

Sec. 2-71. - Historic districts and landmarks.

- (a) *Purpose.* The purpose of this section is to protect, enhance and perpetuate the existence and use of those grouped and individual archaeological sites and structures of local, state or national historical significance; to stabilize and improve property values near such sites and structures; to protect the city's cultural, archaeological, and social heritage; to foster civic pride in the beauty and accomplishments of the past; to foster social stability; to protect and enhance the city's attractiveness to potential residents and visitors; to strengthen the economy of the city; and to promote the use of the historic preservation process for the education, health and welfare of the people of the city.
- (b) *Applicability.*
- (1) Except as otherwise provided herein, this section shall apply to those properties approved by ordinance by the city commission as local historic landmarks and any historic districts established by ordinance by the city commission.
 - (2) Anything contained in this section to the contrary notwithstanding, no owner of any contributing property located within a designated historic district shall be required to obtain a certificate of appropriateness prior to engaging in any activity with respect to such property until the written request, by all of the owners of the property, to the board to subject the property to all of the applicable regulations of this section.
 - (3) An historic district, historic landmark or landmark/archaeological site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the city, such as historic structures or sites which:
 - a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community.
 - b. Are identified with historic personages or with important events in national, state or local history.
 - c. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship.
- (c) *Designation procedures.*
- (1) *Historic landmarks and archaeological sites.* The designation of an historic landmark, archaeological site, or other such notable feature shall be done by ordinance adopted by the city commission in accordance with the following procedures:
 - a. The applicant shall submit a written request, at no cost to the applicant, to the planning department and shall provide studies, documentation, or other evidence regarding the historic significance of the proposed landmark, site or feature. If the applicant is someone other than the property owner, the applicant shall send by regular mail, a copy of the written request, a letter indicating his intention to pursue the historic landmark designation from the city commission, and a copy of all studies, documentation, or other evidence to the property owner demonstrating the historical or archeological significance of the site.
 - b. If the applicant is someone other than the property owner, the planning director shall wait fourteen (14) days from the date that notification was sent by regular mail to receive a response from the property owner regarding the written request for a landmark designation. After the fourteen-day (14) period has expired, the planning director shall proceed with city review of the request as set forth herein.
 - c. Any initiation of local landmark designation by anyone other than the property owner must be reviewed by the city commission before an application is processed, unless the property owner has no objection to such designation. If the written request is from someone other than the property owner, the planning director shall send by regular mail, notification of the necessary public hearings to the property owner of the proposed landmark, archaeological site, or other such notable feature. Said notification shall be postmarked

at least ten (10) days prior to the public hearing. The planning director or designees will prepare a proposed ordinance and schedule public hearings with the Historic Landmark Preservation Board (HLPB) and the city commission to consider the request for an historic landmark designation.

- d. If the property owner submits a request for an historic landmark designation, the planning director shall prepare a proposed ordinance and schedule the necessary public hearings before the Historic Landmark Preservation Board, the planning board and the city commission.
 - e. After an initial public hearing, the Historic Landmark Preservation Board shall submit the minutes of the public hearing, the recommendations of the planning department, and a report with its recommendations to the planning board.
 - f. After the planning board public hearing, the planning board shall submit the minutes of the public hearing, the recommendations of the planning board, and a final report with its recommendations to the city commission.
 - g. The city commission shall, upon receipt of the meeting minutes and recommendations of the planning board, consider an appropriate ordinance adding the proposed property to the local list of historic landmarks, archaeological sites or other such notable features.
 - h. The city commission may adopt the ordinance with or without amendments following the necessary public hearings after written notice of the time and place of the hearing has been furnished to the owner of the property proposed to be established as an historic site or landmark, archaeological site or other such notable feature.
 - i. Any request to remove an historic landmark from the city's historic landmark list shall follow similar procedures as a request to place a landmark on said list.
- (2) *Historic districts.* The designation of historic districts shall be consistent with the comprehensive plan and shall be done by ordinance adopted by the city commission in accordance with the following procedure:
- a. The process for the designation of an historic district may be initiated by any property owner) within the proposed district, by the Historic Landmark Preservation Board (hereafter board) or any member thereof, or by the planning director.
 - b. The applicants shall submit a written application to the board, through the planning director, which application shall provide at least the following information:
 1. A physical description of the proposed district, accompanied by photographs of buildings, structures, objects or sites which are typical examples of contributing and noncontributing properties within the proposed district.
 2. A description of typical architectural styles, character-defining features and types of buildings, structures, objects or sites within the proposed district.
 3. A map identifying all zoning, appropriate land use information, buildings, structures, objects and sites within the proposed district, with each building or structure in the proposed district being identified on the map as either a contributing or noncontributing property, as such terms are defined in this section.
 4. A statement of the historical, cultural, architectural, archaeological or other significance of the district as defined by subsection (b) of this section.
 5. A statement of incentives requested, if any, and any additional guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.
 6. Names and addresses of all owners of property in the proposed district.
 7. Any other appropriate information requested by the board.

- c. Upon receipt of a complete application, the board shall schedule a public hearing on the application. Written notice, time, date and place of such public hearing shall be sent at least ten (10) days prior to the hearing to all owners determined by the records in the tax assessor's office on the date the application is deemed complete, of property within the proposed district. The written notice to owners of property within the proposed district shall be by first class mail and a legal notice setting forth the nature of the hearing, the property involved, and the time, date and place of the public hearing, shall be published once in a newspaper of general circulation in the city at least ten (10) days prior to the hearing.
 - d. After conducting the public hearing, the board shall submit the application, the minutes of the public hearing, the recommendations of the planning department, and a final report with the board's recommendations, to the city commission.
 - e. The city commission shall, upon receipt of the referenced items and after providing notice in the manner set forth in subsection (c)(2)c of this section, conduct a public hearing and consider an ordinance creating the district and designating each property included therein as either a contributing or a noncontributing property.
 - f. Subsequent to the adoption of the ordinance creating the district and making the said designation, any property owner who desires to have the designation on the property owned by such person changed, such owner may apply to the board for a hearing, at which hearing such owner shall present evidence and testimony in support of the application.
 - g. The applying owner shall be required to provide at least thirty (30) days' notice by regular mail to each abutting owner of the time, date, place and purpose of the hearing and shall provide proof of such notice to the board secretary prior to the hearing.
 - h. Upon conclusion of the hearing, the board shall determine whether or not to recommend approval of the application and, if for approval, shall forward its recommendation to the city commission.
 - i. If the board's recommendation is for no change in the designation, the owner may appeal such recommendation to the city commission within thirty (30) days of the board's decision by filing such appeal with the city clerk. If the board's recommendation is to grant the requested change, the city commission shall consider the necessary ordinance amendment at its first available meeting following the board's decision.
 - j. Prior to hearing any appeal or finally adopting any ordinance, the city commission shall provide each property owner within the proposed historic district as well as each property owner adjacent to the proposed district with at least ten (10) days' notice by regular mail, of the time, date and place of the meeting at which such appeal shall be heard or such final adoption shall occur. The property owner requesting the change in designation shall bear the cost of such notice.
- (d) *Certificates of appropriateness.* The purpose of a certificate of appropriateness is to ensure that all construction, alteration, restoration, relocation or demolition of an historic landmark or of structures in an Historic Overlay District is in accordance with standards, values and characteristics of the particular district or landmark. This is in order to protect and preserve the historic resources of the city.
- (1) A certificate of appropriateness, issued by the board, shall be required for any repairs, reconstruction, rehabilitation, alteration, addition or other improvements that would alter the exterior appearance of a structure or site on property which is included in the local list of historic landmarks or within a designated historic district unless identified below as subject to the approval of the planning director.
- a. The following improvements and maintenance activities shall be approved by the planning director without a certificate of appropriateness when an applicant complies with the applicable historic design regulations:
 - 1. Repair, replace or install the following:
 - (i) Canvas awnings and canopies;

- (ii) Signs;
 - (iii) New windows and doors with ones compatible in size and style with original architecture;
 - (iv) Mechanical systems including heat and cooling equipment not visible from the right-of-way and irrigation systems;
 - (v) Foundation skirting;
 - (vi) Exterior lighting; and
 - (vii) Landscaping.
2. Repair or replace the following:
 - (i) Cornices, garage doors and front porch columns using same or like materials and duplicating the original design or style and size;
 - (ii) Decks with same or like material which do not require alterations to any structure;
 - (iii) Gates, fences, driveways, walkways or steps with same or like materials;
 - (iv) Roofs with one (1) of similar material or color or material or color appropriate to the time period the structure was constructed;
 - (v) Pools and pool enclosures;
 - (vi) Siding which duplicates the original appearance; and
 - (vii) Skylights.
 3. Install the following:
 - (i) New fencing located behind any street facade;
 - (ii) Skylights not visible from the right-of-way;
 - (iii) Pool and pool enclosures not visible from the right-of-way.
 4. Repair, replace or construct at ground level only deck or patio in the rear yard and docks and associated dock structures;
 5. Remove trees and other landscaping;
 6. Construct small accessory structures under one hundred fifty (150) square feet, such as playground equipment or sheds in the rear yard, not visible from the right-of-way; and
 7. Any other request determined by the planning director to have a minor impact or no potential detriment on the historic structure or district. If the planning director determines that there would be a major impact or potential detriment as a result of the proposed action, a certificate of appropriateness shall be required.
- b. The demolition of any individually designated building or structure or of any contributing property in a designated historic district.
 - c. The relocation of any building or structure onto an individually designated site; the relocation of any individually designated building or structure to another site; and the relocation of any building or structure into or out of any designated historic district.
 - d. The construction or erection of any principal or accessory building or structure in any designated historic district.
- (2) A certificate of appropriateness, issued by the board, shall only be required for the demolition of any building or structure that was constructed prior to January 1, 1950, if determined by the planning director that the structure meets one (1) or more of the following criteria:
 - a. The historic by age building or structure contributes to the overall historic architectural qualities, historic

- associations or values of an historic district because it was present during the period of historic significance and possesses historic integrity through location, design, setting, materials or workmanship; or, it has yielded or capable of yielding important information about the period of historic significance;
- b. The historic by age building or structure is architecturally significant such that it falls within an architectural style where there exist few buildings or structures of that style within the city. Rare examples of architecturally distinctive styles in the city include, but are not limited to, Mediterranean Revival, Craftsman Bungalow, Queen Anne, Eastlake, Dutch Colonial Revival and Art Moderne.
- (3) Maintenance. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any site which does not involve a change in design, material or outer appearance thereof.
- (4) Unsafe structures. Nothing in this section shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the chief building official or designee, shall certify is required because of an unsafe or dangerous condition. Upon the chief building official's certification, in accordance with the unsafe building abatement ordinance, a certificate of appropriateness shall not be required.
- (5) A certificate of appropriateness shall be a condition precedent to the issuance of any other required permits; the issuance of a certificate of appropriateness shall not relieve the applicant of the need to obtain other permits or approvals required by the city.
- (6) Within ten (10) working days of the receipt of any permit application which is determined to require a certificate of appropriateness as a condition precedent, the planning director shall refer such application to the board for review and decision.
- (7) The board shall conduct a public hearing on the application at least twenty-one (21) days following the date of the planning director's referral to the board. Notice of such hearing shall be duly publicized in accordance with the provisions of F.S. § 286.011 and provided by hand delivery or regular mail to the owner of the property in question at least ten (10) days prior to the date of the public hearing.
- (8) In considering a request for a certificate of appropriateness, the board shall give due consideration to the following criteria:
- a. 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:
1. 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.
 2. 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 shall be avoided when possible.
 3. 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.
 4. 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.
 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition,

- design, color, texture and other visual qualities.
7. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 8. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 9. 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.
 10. 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.
 11. 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.
- b. In approving or denying an application of appropriateness for new construction, the board shall require the following features of the proposed building to be visually compatible with the existing contributing structures in a designated historic district:
1. Height.
 2. Scale.
 3. Massing.
 4. Setbacks.
 5. Fenestration.
 6. Roof shape.
 7. Use of materials.
 8. Directional expression.
 9. Style.
 10. Site plan.
- c. In addition to the guidelines provided in subsection (d)(8)a of this section, issuance of certificates of appropriateness for relocations shall be guided by the following factors:
1. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 2. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area.
 3. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
- d. Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:
1. The historic or architectural significance of the building, structure, or object.
 2. The importance of the building, structure or object to the ambiance of a district.

3. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location.
 4. Whether the building, structure, or object is one (1) of the last remaining examples of its kind in the neighborhood, the county or the region.
 5. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding area.
 6. Whether reasonable measures can be taken to save the building, structure or object from collapse.
 7. Whether the building, structure or object is capable of earning a reasonable economic return on its value.
- (9) Following the public hearing on the application, the board shall approve; approve with conditions, which may include a delay in permit issuance; or deny the application for a certificate of appropriateness.
- a. Any delay in permit issuance so ordered may be up to thirty (30) days if the building or structure was constructed prior to January 1, 1950, but is not an individually designated historic landmark and is not in a designated historic district, and up to six (6) months if the building or structure is either an individually designated historic landmark or in a designated historic district.
 1. During any delay required by the board pursuant to this section, the board, in conjunction with such city staff personnel as the city manager may direct, shall seek alternatives to the demolition of the structure.
 2. If, within the period of delay, no alternative to demolition has been arrived at which is acceptable to the owner, and after architectural and historic documentation has been prepared by the applicant and submitted to the city, the chief building official shall then issue the demolition permit upon demand, if all other requirements have been met.
 - b. If the board determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall approve such application.
 - c. If the board determines that a certificate of appropriateness should not be issued, it shall place upon the record the reasons for such determination, a suggested method of preserving the structure, historic site or other notable features, and shall immediately notify the applicant of such determination, furnishing him an attested copy of its findings, and its recommendations, if any, as appearing in the records of the board.
 - d. The board may approve such application, with or without conditions or delay issuance of the necessary permit, in any case when the owner demonstrates by clear and convincing evidence, that strict enforcement of this section and denial of the owner's application will effectively deny such owner all economically viable use of the property unless the certificate of appropriateness were issued forthwith.
- (10) Copies of the board's decision shall be provided by mail to the applicant and all abutting property owners within ten (10) days of the date of execution of the order setting forth such decision.
- (11) Any applicant, or abutting property owner, aggrieved by a determination of the board shall first appeal such determination to the city commission by filing written notice with the office of the city manager within thirty (30) days of the date of the execution of the order setting forth such decision. The city commission shall affirm, modify or deny the determination of the board. Further appeal by such person shall be by petition for writ of certiorari to the circuit court, which must be filed within thirty (30) days of the date of the decision by the city commission.
- (e) *Consistency with Code.* In addition to the requirements of this section, any proposed activity shall be consistent with the underlying zoning district and this Land Development Code.
- (f) *Demolition by neglect.*
- (1) Purpose and intent. It is the intent of this section to preserve from deliberate or inadvertent neglect, the exterior, structural stability and historic and architectural integrity of sites, landmarks and structures identified on the

Ormond Beach Historic Landmarks list codified in subsection (k) of this section and those homes identified as contributing properties in the Lincoln Avenue Overlay District codified in subsection (j)(1) of this section. All such sites, landmarks, structures and homes shall be maintained in accordance with minimum maintenance standards, preserved against decay, deterioration and demolition and kept free from structural defects through prompt and corrective action to any physical defect which jeopardizes a site, landmark, structure or home's historic, architectural and structural integrity.

- (2) Definition. The term "demolition by neglect" means any failure to comply with the minimum required maintenance standards of this section, whether deliberate or inadvertent.
- (3) The owner of any site, landmark or structure identified on the Ormond Beach Historic Landmark list codified in subsection (k) of this section and those homes identified as contributing properties in the Lincoln Avenue Overlay District codified in subsection (j)(1) of this section shall be required to properly maintain and preserve such site, landmark, structure or home in accordance with the standards set forth in this section.
- a. Any one (1) of the following shall be considered demolition by neglect:
1. Deteriorated and decayed facades or facade elements including, but not limited to, facades that are visibly cracked or crumbling;
 2. Deteriorated foundations including, but not limited to, those that have visibly open cracks or those that are crumbling;
 3. Walls or other vertical structural supports, or members of walls, partitions, floors, ceilings, roofs or other vertical and horizontal supports that split, lean, list or buckle due to defective material or deterioration; and
 4. Exterior access points not properly secured; therefore the structure is accessible to the general public;
- b. Any two (2) or more of the following shall be considered demolition by neglect:
1. Ineffective waterproofing of exterior walls, roof, foundation or floors or any other fault or defect in the property that renders it not properly watertight and significantly weathered including, but not limited to, lack of paint or other protective covering. The use of plywood to cover windows, doors and other openings during and immediately following storm events shall not be construed as a violation of this article;
 2. Cornices, beltcourses, corbels, terracotta trim, wall facings and similar decorative features in an unsafe condition or not properly anchored to structure;
 3. Exterior walls showing holes, cracks and loose or rotting materials;
 4. Foundation walls showing cracks or breaks or not maintained plumb;
 5. Glazing materials showing cracks and holes;
 6. Spalling (flaking, chipping or fragmentation) of the concrete of any portion of the exterior of the building;
 7. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, soffits, standpipes and exhaust ducts in poor repair or not properly anchored to structure; and
 8. Exposed surfaces of metal or wood rusted or decayed due to lack of periodic application of weather-coating materials, such as paint or similar surface treatment.
- c. Any one (1) of the elements in subsection (f)(3)a.1 of this section, combined with any one (1) of the elements in subsection (f)(3)a.2 of this section, shall be considered demolition by neglect.

(g) *Enforcement.*

- (1) Wherever any person has engaged in, or is about to engage in, any act or practice which constitutes, or will constitute, a violation of this section, the chief building official may issue a stop work order, or may make

application to the circuit court for the county for an order enjoining such act or practice or requiring such person to refrain from such prospective violations or to remedy such violation by restoring the affected property to its previous condition.

- (2) In addition to the remedies in subsection (g)(1) of this section, any person who demolishes, or is responsible for the demolition of, any building or structure which is either constructed prior to January 1, 1950; is listed on any local, state or national list of historic structures, buildings, or places; or is a contributing property in a designated historic district, without a permit, shall be subject to the penalties provided for in section 1-9 of the Code of Ordinances. Upon the board's determination that such demolition has occurred, the chief building official shall immediately initiate the prosecution of all persons in any way responsible therefor and shall seek the maximum penalties allowed by the said section.
- (h) *The Secretary of the Interior's Standards for Rehabilitation.* The Secretary of the Interior's Standards for Rehabilitation from the U.S. Department of the Interior, National Park Service, shall be followed. The standards described below are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristic of the building and its site and environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (3) The property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, textures and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall not be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (i) *Standards for review, design guidelines and design criteria.* In considering an application for a certificate of appropriateness, the commission shall be guided by design guidelines, which shall pertain to all historic preservation districts and historic landmarks; and, by the design criteria, which shall apply only to the particular historic district or historic landmark for which they are enacted. Said regulations are as follows:

- (1) *Chimneys, alteration area.*
 - a. Existing brick or stone chimneys shall be retained whenever possible.
 - b. New materials shall be consistent with the historic materials in size, design, composition and texture.
 - c. Building and fire codes shall be met in regard to proper heights and other requirements.
 - d. Chimney construction shall be consistent with the architectural style.
- (2) *Chimneys, new construction area.*
 - a. Chimney construction shall be consistent with the architectural style.
 - b. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
- (3) *Dormers, alteration area.*
 - a. Dormers shall be constructed of new materials consistent with the historic materials in size, design, composition and texture.
 - b. Dormers shall be constructed in the same shape, style and scale as any historic dormer on the building, or in the same shape, style and scale of dormers on houses of the same architectural style.
 - c. Dormers are not typical on certain styles of historic architecture and adding them in this case shall not be permitted.
- (4) *Dormers, new construction area.*
 - a. Dormers shall be constructed of a design and scale that is consistent with the architectural style.
 - b. Dormers are not typical on certain styles of historic architecture and using dormers on new construction, in such cases, shall not be permitted.
 - c. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
- (5) *Exits, second- and third-story, alteration area.*
 - a. Historic second- and third-story exits shall be retained whenever possible.
 - b. New material shall be consistent with the historic materials in size, design, composition and texture.
 - c. Exit stairs located on the exterior shall be consistent with the architectural styles.
 - d. The stairs shall be constructed in the most compact form.
 - e. Exit stairs from upper level apartments shall be accommodated inside the existing building whenever possible.
 - f. The new construction of exit stairs in the alteration area is prohibited.
- (6) *Exits, second- and third-story, new construction area.*
 - a. Exit stairs in the new construction area shall be accommodated inside the building whenever possible.
 - b. Exit stairs for newly constructed buildings shall be accommodated inside the building.
 - c. New construction shall be consistent with the architectural style.
 - d. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
 - e. Exterior exist stairs shall be placed where least visible, set as far back as possible from any side facing the street and run parallel to and against the wall of the building.
- (7) *Fences and retaining walls, alteration area.*
 - a. Historic retaining walls and perimeter historic fences shall be retained whenever possible.
 - b. Alterations to existing retaining walls and perimeter fences shall be done with materials consistent with the

historic materials in size, design, composition and texture.

(8) *Fences and retaining walls, new construction area.*

- a. New construction shall be consistent with the architectural style.
- b. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.

(9) *Foundation, alteration area.*

- a. Existing foundations shall be retained whenever possible.
- b. New materials shall be consistent with the historic materials in size, design, composition and texture.
- c. Historic door and window openings and storm cellar entrances in the foundation shall be retained.
- d. The adjacent grade at a foundation shall not be raised to cover any part of the foundation that was historically exposed. Minimal grade changes necessary to solve destructive drainage problems shall be permitted when no reasonable alternative exists.
- e. Masonry and concrete foundations which were never painted shall not be painted.
- f. Historic brick, stone and rusticated masonry foundations shall not be coated with cement plaster or stucco where exposed above grade.

(10) *Foundation, new construction area.*

- a. New construction shall be consistent with the architectural style.
- b. New materials shall be compatible with the historic materials in size, design and texture.
- c. Brick used on foundations for additions shall be either reclaimed old brick or new brick, which matches in size, color and texture as closely as possible the brick used on the building.
- d. The amount of exposed foundation on additions shall match that of the existing building.
- e. Foundations using modern materials shall be permitted if the materials are veneered on the exterior with the appropriate historical materials above grade.
- f. Openings in the foundation shall be consistent with the architectural style of the building being added to.
- g. The height of the exposed foundation shall be consistent with that of the particular architectural style.

(11) *Garages and outbuildings, alteration area.*

- a. Historic garages and outbuildings shall be retained whenever possible.
- b. New materials shall be consistent with the historic materials in size, design, composition and texture.
- c. The placement, size and shape of the historic windows in garages and other outbuildings shall be maintained.
- d. Replacement of historic garage doors with compatible overhead doors shall be done with two (2) single-size doors rather than one (1) doublewide type.

(12) *Garages and outbuildings, new construction area.*

- a. New construction shall be consistent with the architectural style.
- b. New materials shall be compatible with the historic materials of the particular architectural style of the principal structure in size, design and texture.
- c. New garages or other outbuildings shall not exceed the height or bulk of the principal building.
- d. Metal outbuildings are not permitted.
- e. New outbuildings shall use window design and materials that follow that of the principal structure.
- f. Aluminum or steel garage doors may be used as a substitute for wood.
- g. Double garages shall have two (2) single doors rather than one (1) doublewide door.

- h. The roof form of a garage or other outbuilding shall be similar to the roof form of the principal structure.
- i. New outbuildings shall attempt to mimic the architectural style of the house.

(13) *Gutters and downspouts, alteration area.*

- a. Built-in gutters and other historic drainage provisions, such as wood gutters, shall be retained whenever possible.
- b. New materials shall be consistent with the historic materials in size, design, composition and texture.
- c. Downspouts and gutters may be added if they have not previously existed.
- d. Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.
- e. Half-round gutters and round downspouts or Roman ogee (K-style) gutters and downspouts shall be permitted.
- f. Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.

(14) *Gutters and downspouts, new construction area.*

- a. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
- b. Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.
- c. Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.

(15) *Massing.*

- a. The height of new construction shall be consistent with the height of historic buildings of the same architectural style.
- b. New construction shall be an appropriate height and massing when it is viewed in relation to historic buildings in the district.
- c. Additions shall not exceed the height of the historic building and shall be compatible with the massing of the historic building.
- d. The floor-to-floor heights of new construction shall be consistent with the floor-to-floor heights of historic buildings of the same basic architectural style.
- e. Additions shall have a floor-to-floor height the same as the historic building.

(16) *Moved buildings.*

- a. Infill buildings shall be placed on a foundation exposed similarly to that of other buildings of the same architectural style.
- b. Buildings moved into a district shall be consistent with the massing, architectural style, height and materials of buildings in the district.
- c. Historic porches, chimneys or architectural features that were removed during the moving process shall be replaced when the building is at its new location.

(17) *Porches and similar exterior entrance features, alteration area.*

- a. Historic porches, verandas, patios or similar exterior entrance features shall be retained whenever possible.
- b. Alterations to existing porches, verandas, patios or similar features shall be consistent with the architectural style of the dwelling.
- c. New materials shall be consistent with the historic materials in size, design, composition and texture.
- d. Enclosing a porch shall be permitted only if consistent with the architectural style.

- e. Second- or third-story sun porches or balconies, historic in design, shall be retained. Doors leading out to these retained.
- f. Porch balustrades shall be constructed with materials of the same size, height, detailing and baluster spacing, consistent with the historic architectural style.
- g. Handrails required on porch steps, if not of an historic design and materials, shall be a simple metal rail or similar to other balustrade elements on the porch.
- h. When designing and constructing a new entrance feature or porch, if the historic entrance is completely missing, the new one may be a:
 - 1. Restoration based on historical, pictorial and physical documentation; or
 - 2. New design that is compatible with the historical character of the building.
- i. When designing enclosures for historic porches required by the new use in a manner that preserves the historic character of the building, this can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts and balustrades.

(18) *Porches and similar exterior entrance features, new construction area.*

- a. A porch or similar entrance feature is required where it is necessary to meet the elements of the particular architectural style.
- b. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
- c. New construction shall be consistent with the architectural style.
- d. Porches or similar entrance features shall have a connection to the interior by the use of windows and doors.
- e. A porch or similar entrance feature is permitted on a particular structure if the porch is consistent with the architectural style of the structure.
- f. When designing and constructing a new entrance feature or porch, if the historic entrance or porch is completely missing, the new one may be a:
 - 1. Restoration based on historical, pictorial and physical documentation; or
 - 2. New design that is compatible with the historical character of the building.
- g. When designing enclosures for historic porches, required by the new use, in a manner that preserves the historic character of the building, this can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts and balustrades.

(19) *Roofs, alteration area.*

- a. The historic roof shape and roof features, including eaves, shall be maintained.
- b. Historic roofing materials and roof features shall be retained whenever possible.
- c. Substitute materials shall be consistent with the historic materials in size, design and texture.
- d. Solar collectors shall not be permitted in the alteration area.
- e. Skylights, roof windows, wind generators and radio and television reception equipment, and other mechanical equipment shall not be permitted in the alteration area.

(20) *Roofs, new construction area.*

- a. Roof pitch and roof shape shall be the same as that of historic structures, repeating basic roof forms consistent with architectural styles in the district.
- b. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.

- c. New construction shall be consistent with the architectural style.
 - d. Elements of solar design (either active collectors, trombe walls or passive collectors) shall be kept to the back or a side away from the street and incorporated into the building design to result in site placement, massing and roof forms which are consistent with the architectural styles in the district.
 - e. Solar collectors shall be mounted flush to the roof plane and at the same angle as the roof plane.
 - f. Mechanical systems and other devices which are roof-mounted shall be designed in such a way that they are not visible from the street.
 - g. Additions shall have a roof pitch compatible with the building being added to.
 - h. The roofs of additions shall not interfere with the original roof form by changing its basic shape.
 - i. The roof of an addition shall not be higher than the main roof of the existing building.
- (21) *Siding/exterior materials, alteration area.*
- a. The historic exterior siding material shall be retained whenever possible.
 - b. New materials shall be consistent with the historic materials in size, design, composition and texture.
 - c. Resurfacing the facades of a building must be done with historic materials or substitute materials.
- (22) *Siding/exterior materials, new construction area.*
- a. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
 - b. New construction shall be consistent with the architectural style.
 - c. Resurfacing the facades of a building must be done with historic materials or substitute materials.
- (23) *Site features and relationships.*
- a. The general historical setback pattern for the design of historic building fronts shall be incorporated into new construction of similar architectural styles.
 - b. Additions may be authorized in a portion of the alteration area. Additions shall not be placed on any street side of a building. Additions may be placed on any nonstreet side, so long as that does not radically change, obscure, damage or destroy character-defining features. Additions that protrude in front of, or otherwise obscure the primary street facade shall not be allowed.
- (24) *Windows and doors, alteration area.*
- a. Historic windows and doors shall be retained whenever possible.
 - b. New materials shall be consistent with the historic materials in size, design, composition and texture.
 - c. New door and window openings shall follow the pattern of door and window openings of the historic architectural style.
 - d. The shape of historic window divisions shall not be changed. New muntin bars and mullions shall duplicate the original in size and profile shape.
 - e. Replacement frame profiles shall be consistent with those of the historic frame profiles.
 - f. New metallic frames shall be baked enamel or painted. Combination aluminum, steel or vinyl storm may be used as a substitute for wood.
 - g. Historic stained glass windows shall be retained. In the case where the window must be replaced, the replacement shall be complementary in design and ornamentation to the historic window.
 - h. The addition of stained glass windows into openings which did not historically have stained glass is not permitted.
 - i. Historic door and window openings shall not be blocked down to accommodate stock sizes.

- j. Plastic or metal shutters shall not be permitted.
 - k. Plastic, metal or wood awnings shall not be permitted.
- (25) *Windows and doors, new construction area.*
- a. New materials shall be compatible with the historic materials of the particular architectural style in size, design and texture.
 - b. New construction shall be consistent with the architectural style.
 - c. The windows and doors of new construction shall follow the rhythm (spacing pattern) and the size and shape of windows and door openings found in the walls of similar historic buildings.
 - d. Horizontal windows, small windows and modern picture windows shall not be used when vertically oriented and larger windows are used on the historic structure.
 - e. Window trim elements shall be used in a manner similar to the architectural styles or in a simplified contemporary version.
 - f. Large areas of solid blank wall shall not be created on any highly visible elevations in the historic district.
 - g. The use of smoked, mirrored or tinted glass is not permitted in the district.
 - h. Exposed metallic frames shall be baked enamel or painted.
 - i. Combination aluminum, steel or vinyl storms may be used as a substitute for wood.
- (26) *Design criteria for historic structures within the city.* Historic structures located throughout the city and new buildings in mandatory participation historic districts shall be representative of one (1) of the following architectural types and have the characteristics hereinafter set out with respect to such architectural types. Alterations and new construction pertaining to an existing building shall be of the same architectural type as said building.
- a. *Spanish Eclectic design criteria.*
 - 1. *Building height.* One (1) or two (2) stories.
 - 2. *Building characteristics.* Low pitched or flat roof with little or no overhanging eaves; red clay or concrete barrel or Spanish tile roof covering; one (1) or more prominent arches placed above door or principal window, or beneath porch roof; wall surface usually stucco; facade normally asymmetrical.
 - 3. *Detailing.* Plaster and terracotta detailing; wrought-iron balconies and balconets; decorative tiles; window grilles; tile vents and chimney tops; fountains; arcaded walkways; patios.
 - b. *Queen Anne design criteria.*
 - 1. *Building height.* Two (2) to two and one-half (2½) stories.
 - 2. *Building characteristics.* Steeply pitched roof of irregular shape, usually with a front-facing gable; patterned shingles, cutaway bay windows and other devices to avoid a smooth-walled appearance; asymmetrical facade with partial or full-width porch that is usually one (1) story high and extended along one (1) or both side walls.
 - 3. *Detailing.* Delicate turned porch supports or classic columns and spindlework (gingerbread) ornamentation, such as porch balustrades or friezes suspended from the porch ceiling; spindlework (gingerbread) commonly located at gable ends and under wall overhangs; lacy decorative spandrels and knob-like beads in framework; round, square or polygonal towers located on a front facade; window sashes made with a single pane of glass, bounded by smaller, often decorated panes.
 - c. *Colonial Revival design criteria.*
 - 1. *Building height.* One (1) to two (2) stories.
 - 2. *Building characteristics.* Regular, rectangular or nearly square plan; brick piers or continuous brick

foundation; horizontal wood or shingled siding, less frequently brick; hipped roof or hipped dormers, gambrel roof (Dutch Colonial); embossed sheet metal or shingled roof surfacing, with composition asbestos shingles.

3. *Detailing.* Accentuated front door, normally with decorative crown normally supported by pilasters or slender columns to form an entry porch; doors commonly having overhead fanlights or sidelights; facing often symmetrically balanced windows and doorway; windows with double-hung sashes, usually with multipane glazing on one (1) or both sides; windows frequently in adjacent pairs.

d. *Tudor design criteria.*

1. *Building height.* One and one-half (1½) stories.
2. *Building characteristics.* Regular, rectangular floor plan; continuous brick or block foundation; bricked first floor exterior, stucco and half-timbered wood second floor exterior; gable roof with composition shingles.
3. *Detailing.* Half-timbering; prominent gables, with bracketed bay windows; massive chimneys; pointed elliptical arch work.

e. *Craftsman Bungalow design criteria.*

1. *Building height.* One and one-half (1½) to two (2) stories.
2. *Building characteristics.* Regular or rectangular plan; brick pier or continuous brick or concrete block foundation; horizontal wood siding or shingled exterior, less often stucco; gabled main roof over gabled porch roof; sheet metal or composition asbestos cement shingled roofing.
3. *Detailing.* Simple, exposed structural elements (ridge beams, truss work, rafters, purlins); battered porch piers; large sash or multi-paned windows; tapered stone or masonry chimneys.

f. *Folk National design criteria.*

1. *Building height.* One (1) to two (2) stories.
2. *Building characteristics.* Porches with spindlework (gingerbread) detailing (turned spindles and lace-like spandrels or flat, jigsaw cut trim applied to older homes; cornice-line brackets under eaves.
3. *Detailing.* Similar to Queen Anne style detailing but less ornate, most often located along cornice or porches; smooth surface (clapboard) exterior walls.

g. *Mediterranean Revival design criteria.*

1. *Building height.* One and one-half (1½) to two (2) stories.
2. *Building characteristics.* Irregular layout; continuous masonry foundation; stucco exterior walls; hip roof, sometimes flat, with curvilinear parapet (Mission style); clay or concrete barrel tile roof, use of interlocking French tiles.
3. *Detailing.* Straight or arched windows; iron window grilles and balconies; ceramic tile decorations and low relief carvings; elaborated patios, parapets, courtyards and chimney tops.

h. *Frame Vernacular design criteria.*

1. *Building height.* One (1) to two and one-half (2½) stories.
2. *Building characteristics.* Regular, rectangular floor plan most common; concrete block piers; horizontal wood siding, board and batten construction; gable or hip type roof, sometimes pyramidal; metal or composition and asbestos shingled roof.
3. *Detailing.* Simplicity; jig-sawn woodwork on porches or around eaves; open front porch; sash windows.

i. *Masonry Vernacular design criteria.*

1. *Building height.* One and one-half (1½) to two and one-half (2½) stories.

2. *Building characteristics.* More common to commercial structures than to residential structures; regular, rect continuous or slab foundation for commercial, brick or concrete block piers for residential; brick, concrete b rock-face (split-face look) or coquina exterior surfaces; flat roof with parapet (commercial), hip roof (resident shingle or rolled, built-up roofing.
3. *Detailing.* Simplicity; cast concrete or rusticated rock face ornamentation; simple columns supporting open front porch on residential structures.

(j) *Historic Overlay Districts.* The Lincoln Avenue Overlay District regulations are as follows

- (1) Affected area. Homes facing onto Lincoln Avenue between North Beach Street and North Ridgewood Avenue as follows:

Address	Assessor Parcel No.	Contributing/ Noncontributing	Year Built
21	4215-14-14-0020	Contributing	1890
27	4215-14-14-0030	Contributing	1890
31	4215-14-14-0040	Contributing	1895
38	4215-14-01-0040	Contributing	1915
43	4215-14-14-0050	Contributing	1910
48	4215-14-01-0050	Contributing	1915
51	4215-14-14-0060	Contributing	1895
56	4215-14-01-0060	Contributing	1910
61	4215-14-14-0070	Contributing	1914
70	4215-14-01-0070	Contributing	Vacant
75	4215-14-14-0080	Contributing	1895
78	4215-14-01-0080	Contributing	1910
82	4215-14-01-0090	Contributing	1910
84	4215-14-01-0100	Contributing	1910
85	4215-14-14-0090	Contributing	1906
88	4215-14-01-0110	Contributing	1910

93	4215-14-14-0100	Contributing	1895
96	4215-14-01-0120	Noncontributing	1997
103	4215-14-14-0110	Contributing	1895

(2) The Lincoln Avenue Overlay District is a mandatory participation overlay district. As such, properties deemed to be contributing are subject to the detailed design review standards as applicable under subsection (j) of this section. Subsection (b)(2) of this section not applicable to contributing properties within this overlay district.

(3) Homes shall be no more than two thousand, five hundred (2,500) square feet in net living area. New homes or alterations to existing homes shall be designed to be similar to the architectural styles of existing homes on the street, e.g., Folk National or Craftsman Bungalow type.

(4) Nothing in this section shall be construed to prevent the ordinary maintenance of any exterior element of any building or structure that does not involve a change of design, appearance or material and that does not require a building permit. If the city commission determines that any historic property or any structure within an historic district is endangered by lack of ordinary maintenance and repair or that any improvement in visual proximity to an historic property or historic district is endangered by lack of ordinary maintenance and repair to such extent that it detracts from the desirable character of the historic property or historic district, the commission may request the building official, the neighborhood improvement officer or any other appropriate official or agency of the city to require correction of such deficiency under the authority and procedures of the applicable ordinances, laws and regulations of the city.

(k) *Ormond Beach Historic Landmarks list.*

- (1) 25 Riverside Drive, the Casements.
- (2) 150 South Beach Street, the Lippincott Mansion.
- (3) 42 North Beach Street, the Anderson-Price Memorial Library.
- (4) 110 North Beach Street, the Corbin Family Estate.
- (5) 104 South Beach Street, the Clements House.
- (6) 173 South Beach Street, the Ames House.
- (7) 186 South Beach Street, the Last Straw or Oaks Ames House.
- (8) 160 East Granada Boulevard, the Old Fire Station No. 91.
- (9) 11-23 West Granada Boulevard, the Buschman Building.
- (10) 57 West Granada Boulevard, the Hanson Building.
- (11) 174 Grove Street, the Wilmer Home.
- (12) 253 John Anderson Drive, the Lisnaroe/"By the Water" Estate.
- (13) Reserved.
- (14) 31 Lincoln Avenue, the Lawson House.
- (15) 61 Lincoln Avenue, the George Cusack Home.
- (16) 75 Lincoln Avenue, the Pearson Home.
- (17) 156 New Britain Avenue, the American Legion Hall.
- (18) 143 Ocean Shore Boulevard, the Treasure Trove.

- (19) 175 Orchard Lane, the Delany Cottage House.
- (20) 127 Riverside Drive, the Rockefeller House.
- (21) 63 Seville Street, the Barbie House.
- (22) 115 South Yonge Street, the New Bethel AME Church.
- (23) 44 South Halifax Drive, the original St. James Episcopal Church.
- (24) 48 Lincoln Avenue, the Ross House.
- (25) 195 Riverside Drive, the Bosarve Site.
- (26) 70 Highland Avenue, the Jacobson House.
- (27) 41 North Beach Street, the Village Improvement Gardens.
- (28) 215 Seton Trail, the Hillside Cemetery.
- (29) 528 South Beach Street, the Ruth House.
- (30) 2 John Anderson Drive, the Hotel Ormond Cupola.
- (31) 38 East Granada Boulevard, the MacDonald House.
- (32) 196 South Beach Street, the Indian Mound Park.
- (33) 208 Central Avenue, the former Rigby Elementary School.
- (34) 195 South Beach Street, the Whim Gardens at Ames Park.
- (35) 54 South Ridgewood Avenue, the Wardwell and Penfield Gravesites.
- (36) 33 Ocean Shore Boulevard, the Prettyman House.
- (37) 791 West Granada Boulevard, the Pilgrim's Rest Cemetery.
- (38) 140 S. Orchard Street, the Gethsemane Cemetery.
- (39) 106 Marvin Road, the Fagen-Marvin Cemetery.
- (40) 380 Tymber Run, the Groover Creek Cemetery.
- (41) 242 Tomoka Avenue, the former St. John Missionary Baptist Church.
- (42) 63 North Beach Street, the Ormond Yacht Club.
- (43) 103 Lincoln Avenue, the site of the first Ormond Beach School.
- (44) 39 North Ridgewood Avenue.
- (45) 100 Corbin Avenue, the Ormond Elementary School.
- (46) 101 Corbin Avenue, the Ormond Elementary School Stone Wall.
- (47) 1 North Beach Street, the Pilgrim's Rest Primitive Baptist Church.
- (48) 1 Sanchez Avenue, two (2) Coquina Monuments.
- (49) 45 South Halifax Drive, the Emmons Cottage.
- (50) 715 West Granada Boulevard, the Three Chimneys.
- (51) 137 Orchard Lane—the Nathan Cobb Cottage.
- (52) 639 John Anderson Drive.
- (53) 659 John Anderson Drive.

(Ord. No. 2013-41, § 1, 7-30-2013; Ord. No. 2016-03, § 1, 2-2-2016; Ord. No. 2016-13, § 1, 4-19-2016; Ord. No. 2018-06, § 1, 2-6-2018; Ord. No. 2018-09, § 1, 4-3-2018; Ord. No. 2019-13, § 1, 5-7-2019; Ord. No. 2019-36, § 1, 10-1-2019)