

THE RELATIONSHIP BETWEEN LOCAL PRESERVATION ORDINANCES AND NATIONAL REGISTER DISTRICTS

Historic cities such as New Smyrna Beach, Florida, founded as a colony prior to the Revolutionary War, are challenged to preserve their historic neighborhoods and archaeological sites by the pressures of urban development. Two options are available to local governments: (1) Create a local historic district; (2) Obtain recognition as a National Register of Historic Places district. Both choices require the creation of local ordinances designed to maintain the historic character of a qualifying neighborhood.

New Smyrna Beach is fortunate that some thirty years ago citizens were successful in creating two NRHP districts and to have taken the second step, certification by the National Park Service as a Certified Local Government (CLG) city. Over these three decades those choosing to live in the NRHP neighborhoods and in the buffering contiguous neighborhoods have voluntarily built or rebuilt to reflect the historic character of those sections of the city.

Unprecedented demand coupled with high property values threaten to compromise this voluntary approach to preservation. It is, therefore, incumbent on our local government to apply to the already established, nationally recognized historic neighborhoods, ordinances that will be protective of this character. Taking this step is in the interest of all citizens inasmuch as the city's historic footprint is a significant part of the city's economy. Maintaining the unique quality of these districts is essential in providing a unique niche for eco tourism and second home ownership.

Local historic districts can be created either within the NRHP districts or in districts that do not have national recognition. Cities with extensive historic neighborhoods such as St. Augustine, FL, use local districts to define the specific architectural and time line of their multiple historic districts. This approach has failed in New Smyrna Beach for several reasons, fear of losing homeowners insurance is one of the most compelling.

Fortunately no such negative exists for homes in a NRHP district (see attachment "Insurance for Historic Homes") since the designation conveys no specific guidelines. In this way our city is fortunate in being able to design protective ordinances for our NRHP districts without creating a homeowner's insurance challenge. Moreover courts have looked favorably on such ordinances that are equally careful to protect landowner property rights. (See attachment "Historic Preservation/Supreme Court")