

New Smyrna Beach City Commission Workshop
February 20, 2024
Chapter 50 Historic Preservation
[Agenda](#) and [Video](#)

Present: Mayor Fred Cleveland, Commissioners Perrine, Hartman, Martin, and McGuirk
Others Present: City Attorney Carrie Avallone, City Manager Khalid Resheidat, Assistant City Manager Ron Neibert.

Public Participation

- One resident supports the removal of demolition oversight by the HPC, removal of all punitive actions by HPC, and want efforts to pursue local historic districts stopped.
- One resident stated chapter 50 is viewed either as an infringement or an attempt to preserve the few remaining historic buildings in our community. He hopes the Commission will balance the interests of both sides.
- Two residents spoke in support of expanding the grant program to include businesses and historic building protection.
- One resident doesn't see Chapter 50 taking away property rights and wants the Commission to follow the City Charter and Comprehensive Plan with regulations that support preservation of our historic core.
- One resident reiterated the history of Chapter 50 as required by Florida statues to be a Certified Local Government; wants the Commission to consider the vision of how our city should look and whether the historic homes are an economic driver; recommended putting the issue on the ballot for the community to decide.
- One resident believes owners in the districts have already voiced opposition to local historic districts, reducing the percentage seems unfair.
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Presentation from Senior Planner Robert Mathen

There are 2 different types of historic districts:

- National registered historic districts – no regulations except demolition of contributing structures
- Local Historic Districts - voluntary to participate, restrictions on design and construction reviewed by HPC

The goal of proposed changes is not to create new regulations on either of the national historic district.

History of Chapter 50

- Ordinance was created so that the city could receive the designation of Certified Local Government (CLG)
- 1990 New Smyrna Beach National Historic District was established.
- 1997 Coronado National Historic District
- 2001 Property Tax Exemption added.
- Chapter 50 was difficult to reference and unclear in certain areas and were out of date so the City hired S&ME as consultants
- Presentations made July 2021 for HPC, September 2021 to CC – 1st draft 11/21
- definitions of local and national districts combined regulations and were scattered throughout chapter 50.

Proposed changes

- Clarify national vs local historic districts
- Clarify demolition procedures for contributing structures
- Increase demolition fines without a permit
- Change HPC to Historic Preservation Board
- Update property tax exemption to state standard, expand incentives
- Propose changing from 66% to 50%+1 to approve local districts (National and state standard for Historic Districts)
- No functional changes to procedures from the proposed changes, except:
 - New fines for non-compliance
 - Property tax exemptions expanded

If Local Historic Districts were established, proposed changes would:

- Allow for lower cost materials that have the appearance of historic materials
- Current properties would have to adhere to Certificate of Appropriateness requirements

Concerns voiced at public workshop

- Not to amend percentage to create local districts
- Don't increase the fine from \$5000 to \$25,000
- Remove current regulation for HPC to review demolition of contributing structures

Find more detail [HERE](#).

Commissioner Questions

- ❖ Commissioner Perrine asked why homes on the historic west side were not included. Mr. Mathen said there were attempts in 2011 & 2018 to create a National District on the west side and both attempts failed.
- ❖ Commissioner Martin asked how we further clarify national vs local districts as there continues to be confusion on this point and whether a local landmark needs to be in a national or local district. Mr. Mathen indicated local landmarks can be anywhere.
- ❖ Commissioner Hartman inquired about the waiting period for demolition. Mr. Mathen stated that a waiting period of some duration is a CLG requirement. NSB requires 120 days, which allows time to relocate any artifacts, etc.

Commissioner Comments

- ❖ Commissioner Hartman is in favor of the rewrite as it is now a legible document and layout is greatly improved but would keep the 2/3 vote requirement. He is in favor of increasing fines for non-permitted demolition and undecided about the length of the waiting period.
- ❖ Commissioner Martin expected to be considering what we might want to preserve and would like to see ways to help people keep their properties rather than punitive measures.
- ❖ Commissioner McGuirk stated that historic preservation should not be a scary thing, that government should facilitate those who want to do it. He prefers carrots over penalties but acknowledges we are not set up that way. He stated that the intent of chapter 50 explains perfectly why we should be restoring the Women's Club and said it is a great shame that this was derailed. He feels historic preservation is

especially important and that we must find a way to make it feasible. He recommends the city require a seller's disclosure that property is in a historic district. He believes we can get local districts in the future. He has no problem with 120 days or \$25K penalty if property owner agrees to be in a district.

- ❖ Commissioner Perrine believes many of the buildings have been neglected and does not feel the city should be in the historic preservation business. We must require sellers to tell buyers they are in historic homes, and she does not think anyone would ever want to voluntarily be in a Local Historic District. Voting % should be 100%, totally voluntary.
- ❖ Mayor Cleveland thanked the commission and audience for civility on these serious matters, especially as compared to other communities. He believes our private and public historic structures represent a lot of the appeal of our community. He agrees the punitive nature is not ideal and would like incentives to 'do the right thing,' i.e., keeping what you found attractive about our city. Our best tool is tax incentives, and he feels historic preservation is an improvement to the community and a benefit to all. He does not favor a reduction in the voting %, is in favor of shortening time, but if you choose to ignore then pay the fine.

City Manager Khalid Resheidat stated that there are some characteristics in the city that we need to protect using incentives. The Women's Club came down to cost, but the city must walk the walk if we are asking citizens to preserve their homes. City staff will look at the next steps but would like direction on the 3 key issues identified in the public meetings.

A discussion was had on how to create incentives and pursue grant options. It was agreed that NSB should look to other communities such as St. Augustine and Savannah to see what they have done. The City Manager will reach out to other communities to see if they have done this.

- ❖ Mayor Cleveland stated that if the majority buy into the idea that the historic nature of town floats all boats and helps all our property values then the majority will be willing to help those who own those homes. He thinks the community would support this idea.
- ❖ Commissioner Hartman stated the city is required by statute to have a document and thinks it's best to put the revised document in place and then make changes going forward.
- ❖ Mayor Cleveland was in favor of Hartman's approach, with the 3 primary areas of contention being voted on line-by-line when it is brought before the Commission.

City Attorney Avallone recapped the focus of updates to the revision as based on:

- No reduction in the voting percentage, stay at 2/3 or higher.
- Research ways to incentivize rather than vs punish.
- Fines would be somewhere between \$5,000 and \$25,000.
- Review the number of waiting period days and possibly reduce them.