

# CITY OF DELRAY BEACH




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100 N.W. 1st AVENUE • DELRAY BEACH, FLORIDA 33444 • 561/243-7000

## MEMORANDUM

**TO:** Mayor and Commissioners

**FROM:** Donald B. Cooper, City Manager 

**DATE:** September 7, 2016

**SUBJECT:** Status Update Historic Preservation Task Force

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Attached please find an interim-report on the activities of the Historic Preservation Task Force (HPTF).

They have provided the following:

1. Specific Recommendation to address demolition by neglect.
2. Created a purposed "board-up ordinance".
3. Recommended additional incentives for historical properties.
4. Recommended additional staff to assist property owners and to assist planning office.
5. Recommended changes to the LDR's Section 4.5.1 (H) and additional code changes.
6. Proposing additional work concerning Frog Alley, N. Swinton and Atlantic Avenue.
7. Requested an additional six (6) months to complete work (which was granted by this office).

Upon completion in draft legal form, we will begin the review process by the advisory bodies as required and staff review with the intent to provide recommendations to the Commission for approval in first quarter of the calendar year.

DC/ss

(See Attachment)

cc: Francine Ramaglia, Assistant City Manager – Support  
JoAnn Peart, Chairperson HPTF (via e-mail: [joannpeart@comcast.net](mailto:joannpeart@comcast.net))

## DELRAY BEACH HISTORIC PRESERVATION TASK FORCE

September 9, 2016

Mr. Donald B. Cooper, City Manager  
City of Delray Beach  
100 Northwest First Avenue  
Delray Beach, Florida 33444

Dear Mr. Cooper:

The following is in addition to the report we provided you with in June. As per your request, here is an update and summary of the work our Task Force has accomplished since our inception in December 2015:

1. Assessed historic properties (unlisted) on North Swinton and in Frog Alley. Frog Alley research was requested by residents so we did that first and we start shortly on assessing Atlantic Avenue. At our inception, Commissioner Jarjura requested N. Swinton and Atlantic Ave. be looked at.
2. Produced a list of new incentives that can assist in the listing of future historic districts--as the ones listed above. Research was done on several other Florida and U.S. cities. (List of Incentives attached)
3. Determined that on North Swinton Avenue, to begin individually listing properties and aim towards forming a Historic District later. We have completed the listing of 1420 North Swinton--the Clint Moore House, an icon of historic properties. Two more individual listings on North Swinton are in process.
4. Crafted the re-writing of the ordinance on Demolition by Neglect after hearing from Code Enforcement that the current one is largely unenforceable. We had multiple meetings with Michael Coleman, Marc Woods and other top staffers before we crafted it. In addition, we researched existing ordinances in several other Florida and U.S. cities. Lynn Gelin and the City Attorney's office worked closely with us on this and we will be forwarding the final ordinance to you and Ms. Ramaglia in approximately two weeks.
5. Worked with Ms. Gelin crafting a new Board-Up Ordinance, which also will come to you soon.
6. Started the process of revising the currently onerous procedure for an individual to historically list his/her own house.
7. Compiled a list of additional recommendations (and are still working on this) of additional public needs regarding historic preservation.
8. Fully supported you in your efforts to save the Historic Train Depot.

Since our first six months of existence was up in June 2016, we plan to keep working until December 2016, as per your email to us. We need to follow up on N. Swinton, Frog Alley and Atlantic Avenue.

We thank you for all the fine assistance of you and your staff: Francine Ramaglia, Tim Stillings, Michael Coleman, Amy Alvarez, Terrill Pyburn, Lynn Gelin, Marc Woods and Shona Smith.

Sincerely,

JoAnn Peart  
Historic Preservation Task Force Chairperson

cc: All Task Force members

**P.S. Incentives are attached below and after that are two files summarizing our other research.**

## **CITY OF DELRAY BEACH HISTORIC PRESERVATION TASK FORCE**

### **Report on Historic Preservation Incentives**

#### **Current and Proposed**

#### **Background**

The Historic Designation Incentives Sub-Committee met several times to discuss the benefits of owning a locally or nationally registered historic building and/or agreeing to participate in the designation of an area as an historic district. Everyone on the Task Force investigated cities throughout the southeast to determine incentives currently being offered and those being considered for adoption in those areas. The Incentives Sub-Committee reviewed each of these offerings and made a list of benefits appropriate for Delray Beach and not currently being offered. The incentives outlined below are intended to encourage building owners to select historical designation, thereby preserving the architectural legacy and heritage of our town.

#### **Current City of Delray Beach Incentives**

##### **Local Ad Valorem Tax Exemption for Contributing Structures**

- Residential and commercial
- Within an historic district or individually listed
- 100% of the assessed value of the improvements and for up to 10 years
- Owner occupied or income producing properties

##### **Federal Historic Preservation Tax Credit**

- Income producing nationally registered properties and in National Registry District can be residential or commercial Variances
- Variance section of current LDR'S outlines guidelines for the Historic Preservation Board
- This section should outline the benefits to the property owner of appearing before the Historic Preservation Board instead of the Board of Adjustments

\$250,000 bond is waived when moving a structure located outside of an historic district into an historic district.

#### **Proposed New City of Delray Incentives**

- A. Revise the designation process to make it more user friendly and save staff time.
  - Streamline the process to encourage property owners to designate thereby reducing staff time and resources.
  - For example: the Historic Preservation Board reviews Historic Designation applications only. NO final action needed by City Commission.
- B. Discount designation fees for non-profits and public buildings.
  - Restructuring the process will reduce advertising fees, which will help all applicants, including individual homeowners.
- C. Hire a part-time or full-time staff member to aid the Historic Preservation Planner and the public with historic designations, grant research and tax exemptions.

- D. Historic Façade Easement Program
- We want to expand to all businesses and private homes that are designated historic in the City. (Currently this is only offered to commercial properties within CRA district)
  - Clarify this guideline: "The CRA retains ownership and architectural control of the historic façade in perpetuity." The implied restrictions are probably more severe than they really are.
  - Ask the City to provide this incentive to areas outside of the CRA district.
- E. Historic Preservation Resource Guide
- Currently offered by Winter Park, FL
  - Expand upon the current guide "Benefits of Owning a Historic Property & Living in a Historic District."
  - Distribute widely
  - Create an outreach program to architects and realtors. Create a camp to educate the community on historic preservation.
- F. Preservation Grant and Low- Interest Loan Program
- Currently offered by Tallahassee, FL and others
  - Funds available to property owners of all designated properties for improvements
  - Access to the advisory system (A) to help with applications
  - The City would ask the CRA to partner with them providing property assistance grants to all individuals living in historically registered property throughout the City.
- G. Waiver of the City's occupational license fee for businesses in designated historic structures
- H. Assistance with fencing of historic properties
- I. Added Property Tax Incentive
- That would be lowering taxes or capping the increase. For example, with Save Our Homes the increase is 3% so for a house in the historic district or one that is designated outside the district taxes would go up 1% only.
  - Explore increased homestead exemption for historic homeowners
- J. Increase the tax abatement period from 10 years to 20 years.
- K. Expand the application of the existing parking relief for historic districts for adaptive reuse and single family homes.
- L. Lower parking requirements for historic businesses:
- Provide parking benefits for adaptive reuse; individually designated properties; historic mixed-use; and historic districts interfacing with the CBD.

Historic Task Force Members

JoAnn Peart  
Claudia Willis  
Kathy Alderman  
Carolyn Patton  
Winnie Edwards  
Roger Cope  
Charlene Jones  
Pat Wright  
Leslie Callaway

City Staff

Donald Cooper  
Francine Ramaglia  
Lynn Gelin  
Michael Dutko  
Tim Stillings  
Amy Alvarez  
Michael Coleman  
Marc Woods

Historic Preservation Task Force Ordinance Sub-Committee Recommendations  
(DRAFT)

Summary:

1. The City of Delray Beach updates and posts the Historic Preservation Design Guidelines.
  - While in revision the task force recommends preservation maintenance guidelines be posted and published.
2. The City of Delray Beach hires an additional staff member providing two important functions:
  - To aid the Historic Preservation Planner and the public with historic designation requests and grants research.
  - Historic Preservation Code Officer to be cross trained with code enforcement.
3. Update City of Delray Beach Ordinances regarding Historic Structures to avoid demolition by neglect:
  - Replace Sec. 100.10. - INDIVIDUALLY DESIGNATED HISTORIC STRUCTURES AND STRUCTURES IN HISTORIC DISTRICTS in its entirety. The committee is currently working with the City Attorney's Office and Code Enforcement on a draft amendment to current Chapter 131, "Offence Against Property". The goal is to add 131.03, "Degradation of Historic Structures" which creates a minimum maintenance requirement for all Historic Districts and historically designated properties. The amended ordinance will require all structures to be in line with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - Amend LDR Section 4.5.1 Historic Preservation: Designated Districts, Sites, and Buildings: (H) Undue Economic Hardship. Requiring the property owner to file for a Certificate of Economic Hardship from HPB. The property owner would have to have Certificate of Economic Hardship prior to Code Enforcement hearing.
  - Creation of grant/assistance program to aid owners of historic properties with economic hardships. Assistance from the additional staff member (requested above) would work with the applicant to fill out all necessary forms. Additionally, a volunteer team would be created to help.
  - Creation of a Board Up Ordinance. Include ability for Code Enforcement to inspect prior to issuing permit or permit extension. Board Up permits are issued for six months with one six-month extension. In order to obtain six-month extension property owner, on all street frontage window openings, must use an alternative board up system that looks like traditional windows such as "Secureview" or other Plexiglas system (unless permits have been issued for full repair).
  - Additional penalties for willful violation or gross negligence (except for properties that qualify for relief through the economic hardship process) In addition to the penalties authorized by current code, a violation which is intentional, or occurs through gross negligence that leads to demolition by neglect, shall be subject to the following provisions:
    - A. No permit shall be issued for any alteration or new construction affecting such property for a period of five (5) years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Historic Preservation Board that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.
    - B. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property.
    - C. The ad valorem tax exemption provided for historic properties under Section 4.5.1 (J) and ALL historic preservation incentives do not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed or demolished in violation of this Section.

Historic Preservation Task Force  
Frog Alley Sub-Committee Recommendations  
(DRAFT)

Summary:

1. Background:

The Legacy of Frog Alley Ancestors has long expressed their desire to recognize the cultural area, which was formally established July 18, 1995 by Mayor Thomas E Lynch. In this proclamation, the boundaries were set as: "The area bounded on the east by S.W. 3rd Avenue, on the south by S.W.4th Street, on the west by S.W. 7th Avenue, and on the north by Atlantic Avenue, (which) has long been fondly known as 'Frog Alley'

2. Purpose:

To build a deeper understanding and city wide appreciation for the cultural heritage of Frog Alley, and in order to afford the area the benefits and protection of the designation, the committee is working with the residents to designate Frog Alley as a Historic District following the procedures and criteria set forth in Section 4.5.

3. Progress:

Research

- Identified all of the properties within the Frog Alley boundaries by owner, address, and the "built" date on the Palm Beach County tax records. (266 properties)
- Further verified those properties, which would qualify as "contributing," (provided the period of significance is 50 years or more) by researching the "built" date on the City building cards (73 properties).
- Started a file on each property and created maps showing the dates and distribution of the homes throughout the area. Will add photos of each over time.
- Completed the research at The Delray Beach Historical Society on Frog Alley. At Spady Museum, where most of the resource material is located, research is on-going.
- For those areas where the minimum percentage of contributing homes may not be found, the committee is researching other designations, such as Conservation District, along with the benefits and protection that would come with the designation.

4. Neighborhood Outreach

- The neighborhood has formed the Frog Alley Neighborhood Advocate Board. Meetings are being scheduled to move forward and present the idea, of Historic Designation, to the community.
- Begin street-by-street visual surveys of the "contributing" homes and documenting in each file.

June 6, 2016

Don Cooper, City Manager  
City of Delray Beach  
100 N.W. First Avenue  
Delray Beach, FL 33444

Dear Mr. Cooper:

Enclosed please find our preliminary report from the Delray Beach Historic Task Force (DBHTF). We have produced these reports in the first six months of our existence. We are now requesting that we have a six-month extension to follow up on these reports. We felt it important to establish ground rules and increased incentives for Historic Preservation as our first order of business. (see attached reports)

In the next six months, we want to do the following:

1. Have the City Attorney's office transfer our attached reports into City ordinances. The attorney on our committee, Mike Dutko, recommended that we write our reports as attached and leave it to the City Attorney's office to turn them into proposed ordinances with the appropriate legal language.
2. Approach residents on North Swinton Avenue with the concept of becoming a Historic District or designating their property individually. Hopefully we can also tell the residents that the increased incentives are in process or in place.
3. Use our efforts on North Swinton as a template for listing of Frog Alley and Atlantic Avenue and start this process.
4. Develop a better plan for education of the public in the benefits of historic preservation and the new incentives.
5. Continued support for your admirable efforts to save the historic Seaboard Rail Road Station.

Thank you for this opportunity to increase our preservation of historic structures and neighborhoods in a city we love – Delray Beach.

The backup research will be furnished to all individuals via email.

Sincerely,

JoAnn Peart  
Delray Beach Historic Task Force

cc: All Historic Task Team Members  
City Staff

## CITY OF DELRAY BEACH HISTORIC TASK FORCE

### Demolition by Neglect Ordinance Revisions\*\*

Recommended Changes to Sec. 100-10 – Individually Designated Historic Structures and Structures in Historic Districts.

#### Recommendations:

1. **Give more teeth to the current ordinance**

**Intent** to preserve from deliberate or inadvertent neglect the exterior features of structures located within locally designated historic districts or to individually designated historic resources. **Affirmative Maintenance:** Every owner of a property that is an individually designated historic structure, within a designated historic district, or of a local landmark shall keep in good repair and shall properly maintain: Exterior and Site

**Demolition by Neglect** Every owner must preserve from deliberate or inadvertent neglect to the exterior features of structures designated as contributing or significant. No owner shall cause or permit the property to suffer demolition by neglect.

**Criteria** Every owner must comply with the criteria set forth in this ordinance. In the absence of an interior inspection or a structural engineer's report as to any structural degradation, the Code Enforcement Board or Code Enforcement Officer may find lack of affirmative maintenance or demolition by neglect upon one or more of the following criteria:

- (1). Deteriorated and decayed facades or façade elements, including but not limited to, facades which may structurally fail and collapse entirely or partially;
- (2). Deteriorated or inadequate foundations;
- (3). Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;
- (4). Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material, workmanship or deterioration;
- (5). Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
- (6). Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material, workmanship or deterioration;
- (7). Members of ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety;
- (8). Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration;
- (9). Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;
- (10). Any fault, defect, or condition in the building which renders the same structurally unsafe or

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\* Committee researched existing ordinances throughout Florida – provided in separate email

not properly watertight;

(11). Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering;

(12). Any structure which is not properly secured and is accessible to the general public;

(13). Deterioration or defects in paints, coating systems, flashing, or other ineffective waterproofing of exterior walls, roof and foundations, including windows and doors that may result in destructive moisture penetration or other forms of rot and decay;

(14). The spalling or deterioration of the concrete, exterior plasters, mortars, brick, stone or wood siding; of any portion of the interior or exterior of the building;

(15). The peeling of paint, rotting, holes and other forms of decay;

(16). The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, street signs, accessory structures and landscaping (emphasis added); and

(17). The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions as determined by the building official;

(18). Deterioration of a historic building or other historic resource to the extent that it creates or permits the creation of a hazardous or unsafe condition or conditions as determined by the building official; and

(19). Deterioration or removal of any unique architectural feature which would detract from the original architectural style;

(20). Any structure that has become uninhabitable shall be presumed to be suffering from demolition by neglect.

2. **Allow Code Enforcement to inspect buildings that may have structural damage or have safety concerns.**

A City Official shall have right of entry onto the subject property and may inspect the subject property after seven (7) days notice to the owner of intent to inspect. If the property owner refuses entry of any City official onto the subject property, the City may file an appropriate action to allow such officials access to the subject property for an inspection (warrant through city attorney's office).

3. **Limit Extensions**

Code Enforcement Board can issue to a maximum of two (2) extensions. Allow the Code Enforcement Officer to determine timeframes for the extensions on a case-by-case basis.

4. **Increase and enforce fines**

Fines shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation and, in addition, may include all costs of repairs. However, if the Code Enforcement Board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed fifteen thousand dollars (\$15,000.00) per violation.

5. **Economic Hardship relief per the National Trust for Historic Preservation**

Provide for variances from the strict application of the ordinance rules in cases of economic hardship. No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in LDR Sec. 4.5.1 (H).

6. **Additional penalties for willful violation or gross negligence (except for properties that qualify for relief through the economic hardship process)**

In addition to the penalties authorized by this section, a violation which is intentional, or occurs through gross negligence that leads to demolition by neglect, shall be subject to the following provisions:

1. No permit shall be issued for any alteration or new construction affecting such property for a period of five (5) years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Code Enforcement board that the violation has been corrected; any remaining portion of the five-year prohibition on issuance of a permit may be waived.

2. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property.
3. The ad valorem tax exemption provided for historic properties under Section 4.5.1 (J) and ALL historic preservation incentives do not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed or demolished in violation of this Section.

7. **Interaction between Code enforcement and Historic Preservation Board**

HPB should be notified of any code violations that involve individually designated historic properties and all contributing structures in the Historic Districts.

Any property owner with a current violation must have a resolution through Code Enforcement before they are granted any approvals by HPB.

8. **Creation of a Board up Ordinance**

It is always preferable to replace broken doors and windows with original material. In the event a vacant structure must be boarded-up, a permit is required. No one is to place boards or other non- conventional material over the doors, windows or any other opening of any building or structure without first obtaining a boarding-up permit. The permit is valid for six (6) months with one (1) six (6) month extension.

Plywood should be painted with a good quality exterior paint that matches the exterior.

CITY OF DELRAY BEACH  
HISTORIC TASK FORCE

Preservation Incentives

TO: Donald Cooper, City Manager  
City of Delray Beach

FROM: JoAnn Peart, Kathy Alderman, Patricia Wright, Charlene Farrington  
HISTORIC DESIGNATION INCENTIVE COMMITTEE

RE: Historic Designation Incentives - Proposed

DATE: June 2, 2016

### Historic Designation Incentives - Proposed

The Historic Designation Incentives Committee met several times to discuss the benefits of owning a locally or nationally registered historic building and/or agreeing to participate in the designation of an area as an historic district. Everyone on the task force investigated cities throughout the southeast to determine incentives currently being offered and those being considered for adoption in those areas. The incentives committee reviewed each of these offerings and made a list of benefits appropriate for Delray Beach and not currently being offered. The incentives outlined below are intended to encourage building owners to select historical designation, thereby preserving the architectural legacy and heritage of our town.

#### **Current City of Delray Beach Incentives**

##### Local Ad Valorem Tax Exemption for Contributing Structures

- Residential and commercial
- Within an historic district or individually listed
- 100% of the assessed value of the improvements and for up to 10 years
- Owner occupied or income producing properties

##### Federal Historic Preservation Tax Credit

- Income producing nationally registered properties and in National Registry District can be residential or commercial

##### Variances

- Variance section outlines guidelines for the Historic Preservation Board
- This section should outline the benefits to the property owner of appearing before the Historic Preservation Board instead of the Board of Adjustments

#### **Proposed New City of Delray Incentives**

- A. Someone to assist people with the sign up process and grants
- A system designed to advise and assist building owners through the entire process of designation
- Additionally, add a part time grant writer position

- B. No fees for the designation and review process
- Currently offered by Winter Park, FL
  - No fees assessed to the applicant for the review and designation process.
- C. Historic Façade Easement program
- We want to expand to all businesses and private homes that are designated historic in the City. (Currently this is only offered to commercial properties within CRA district)
  - Clarify this guideline: "The CRA retains ownership and architectural control of the historic façade in perpetuity." The implied restrictions are probably more severe than they really are.
  - If the CRA cannot provide the incentive then ask the City to provide
- D. Historic Preservation Resource Guide
- Currently offered by Winter Park, FL
  - Expand upon the current guide "Benefits of Owning a Historic Property & Living in a Historic District."
  - Distribute widely
- E. Preservation Grant and Low Interest Loan Program
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  - Access to the advisory system (A) to help with applications
  - The City would ask the CRA to partner with them providing property assistance grants to all individuals living in historically registered property throughout the City.
- F. Waiver of the City's occupational license fee for businesses in designated historic structures
- G. Assistance with fencing of historic properties
- H. Added Property Tax Incentive
- That would be lowering taxes or capping the increase. For example, with Save Our Homes the increase is 3% so for a house in the historic district or one that is designated outside the district taxes would go up 1% only.
  - Explore increased homestead exemption for historic homeowners

Additional possibilities:

- Find out what other programs are offered by the CRA that may be incorporated into the incentives package
- Funds generated from the ordinances and from appeals may be used to support incentives
- Lower parking requirements for historic businesses

### Historic Task Force Members

JoAnn Peart  
Claudia Willis  
Kathy Alderman  
Carolyn Patton  
Winnie Edwards  
Roger Cope  
Charlene Jones  
Pat Wright  
Leslie Calloway

### City Staff

Donald Cooper  
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Lynn Van Duyne  
Amy Alzarez  
Michael Coleman  
Marc Woods