



City of New Smyrna Beach

Historic New Smyrna Beach Preservation Commission

Ronald Sayyah
Nancy Ryan
Virginia Schow
Carol M. Edelberg
Jean Mayo
NoraJane Gillespie

January 4, 2012

THIS IS YOUR OFFICIAL NOTIFICATION of the regular meeting of the Historic New Smyrna Beach Preservation Commission to be held on Wednesday, January 11, 2012 at 5:30 p.m. at 210 Sams Avenue, New Smyrna Beach, Florida, for consideration of the following agenda:

1. **Roll Call**
2. **Approval of Minutes**
 - November 9, 2011
3. **Public Participation** – In accordance with the City Commission Resolution #11-89, a three-minute limitation is in effect unless otherwise granted by the HPC
4. **Recommendation** – Landmark Designation for 533 Washington Street
5. **Recommendation** – Demolition by Neglect Ordinance
6. **Comments from Commission Members and City Staff**
 - HPC Goals
7. **Adjournment**

Respectfully Submitted,

Ron Sayyah, Chairperson

Historic New Smyrna Beach Preservation Commission

1 HISTORIC NEW SMYRNA BEACH
2 PRESERVATION COMMISSION (HPC)
3 MINUTES
4 NOVEMBER 9, 2011
5 COMMISSION CHAMBERS
6 210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA
7

8 Chair Ronald Sayyah called the November 9, 2011 meeting to order at 5:30 p.m.
9

10 Answering to roll call:

11 Ronald Sayyah – Chair

12 Jean Mayo

13 Virginia Schow

14 Carol Edelberg

15 NoraJane Gillespie
16

17 Nancy Ryan, Vice-Chair was absent. Also present were staff members Gail
18 Henrikson, Planning Manager and Kevin Jameson.
19

20 APPROVAL OF MINUTES
21

22 **Motion by Jean Mayo, seconded by Virginia Schow, to approve the minutes of**
23 **the regular meeting held October 12, 2011. Motion passed unanimously on a**
24 **voice vote, 4-0, with Ms. Gillespie abstaining due to the fact that she was not**
25 **present at the October meeting.**
26

27 PUBLIC PARTICIPATION
28

29 In accordance with the City Commission Resolution #11-89, a three-minute limitation
30 is in effect unless otherwise granted by the HPC.
31

32 Ms. Henrikson addressed the Board and stated that she had spoken with Dot Moore
33 who had a previous engagement and was unable to attend the HPC meeting. Ms.
34 Henrikson provided the Board with two handouts from Ms. Moore. The first handout
35 related to an upcoming Historic Cemetery Preservation Seminar being sponsored by
36 the Florida Public Archaeology Network on November 29, 2011. The second
37 handout contained information relating to the old beachside fire station on Columbus
38 Avenue.
39

40 DISCUSSION – DEMOLITION BY NEGLECT ORDINANCE
41

42 Mr. Jameson addressed the Board and explained the proposed ordinance. He
43 stated that he had been coordinating with Michael Knotek, Chief Building Official, to
44 draft the ordinance. One of the items proposed in the ordinance would give the
45 Building Trades Board the ability to utilize demolition funds for repair of neglected
46 structures.
47

HISTORIC NEW SMYRNA BEACH PRESERVATION COMMISSION MINUTES
NOVEMBER 9, 2011

48 There was general discussion about different funding sources that could be used for
49 repairs to historic structures, especially with regard to the Community
50 Redevelopment Agency (CRA) grant programs.

51

52 Michael Knotek, Chief Building Official, addressed the Board. He stated that the
53 demolition funds used to demolish structures condemned by the Building Trades
54 Board are already in the Building Department budget. He stated that the first step
55 was to inventory the contributing structures to grade their conditions, which would
56 become the starting point for monitoring possible neglect.

57

58 Mr. Knotek stated that once neglect was identified, it would go to the Code
59 Enforcement Board. However, the Board can only fine the property owner and lien
60 the property. He stated that that money is not easily recovered. Mr. Knotek
61 discussed the issues associated with foreclosing on a property that had had a lien
62 filed against it.

63

64 Mr. Knotek also discussed the pending nuisance ordinance that was currently before
65 the City Commission for review. Mr. Knotek then discussed the functions and
66 procedures of the Building Trades Board. Mr. Knotek also discussed the changes to
67 procedures that were included in the proposed demolition by neglect ordinance.

68

69 There was discussion regarding the possibility of moving historically significant
70 structures.

71

72 Ms. Henrikson stated that if the Board was in agreement with the proposed
73 ordinance, staff would make any needed revisions and bring it back before the
74 Board in January for a formal recommendation to the City Commission.

75

76 **DISCUSSION – REVIEW OF 2012 DONNADINE MILLER MEMORIAL HISTORIC**
77 **PRESERVATION AWARD APPLICATION**

78

79 Ms. Henrikson addressed the Board and presented the revised application. She
80 asked the Board if there were any corrections, additions or deletions. She also
81 stated that she had changed the criteria, based upon criteria used in other
82 preservation awards throughout the country. She also asked the Board if they
83 wanted to expand the award to include persons and/or archaeological projects.

84

85 There was general discussion by the Board regarding the criteria. The Board also
86 discussed possible venues to promote the award. The consensus of the Board was
87 to move forward with the application as presented by staff.

88

89 **DISCUSSION – LOCAL LANDMARK SUGGESTIONS**

90

91 Ms. Henrikson addressed the Board. She stated that one of the HPC goals is to
92 nominate at least one local landmark per year. Ms. Henrikson stated that the last
93 local landmark had been designated in June 2006. Ms. Henrikson asked the Board
94 to provide possible suggestions for structures that might be eligible for local

HISTORIC NEW SMYRNA BEACH PRESERVATION COMMISSION MINUTES
NOVEMBER 9, 2011

95 landmark designation. The Board discussed the issue and generated the following
96 list of potential candidates:

- 97
- 98 • Masonic Temple
 - 99 • John Coffin's House
 - 100 • McCharacters
 - 101 • Coast Guard Station
 - 102 • Civil Air Patrol Building
 - 103 • Jason's Corner
 - 104 • Yacht Club
 - 105 • Detwiler Cemetery
 - 106 • Dummet Grave
 - 107 • Riverview Hotel
 - 108 • City Hall
 - 109 • Utilities Commission Building
 - 110 • Long Board Inn
 - 111 • Nuns and Roses Bed and Breakfast
 - 112 • 421 Canal Street
 - 113 • Florist shop at the intersection of Flagler Avenue and Peninsula Avenue
 - 114 • Cormeth Thrift Store
 - 115 • Coronado Beach Post Office
 - 116 • Flagler Tavern
 - 117 • Faulkner Fire Station
 - 118 • Little Drug Store
- 119

120 Ms. Henrikson stated that staff would begin to contact the property owners to see if
121 they would be interested in designation. She stated that the Board could also bring
122 additional recommendations to future meetings.

123

124 **COMMENTS FROM COMMISSION MEMBERS AND CITY STAFF**

125

126 The Board discussed whether to hold a regular meeting in December 2011. The
127 consensus of the Board was that because there were no applications that required a
128 public hearing, the December meeting could be cancelled. The next meeting would
129 be January 11, 2012.

130

131 Ms. Henrikson addressed the Board and presented the 2012 meeting dates and
132 submittal deadlines. She stated that the Board had never had a formal calendar but
133 that staff was recommending that one be created. Motion by Jean Mayo, seconded
134 by Carol Edelberg, to approve the 2012 calendar, with the condition that the meeting
135 time be corrected to reflect the 5:30 p.m. meeting time. Motion passed unanimously
136 on a roll call vote, 5-0.

137

138 **ADJOURNMENT**

139

140 Being no further business, the meeting adjourned at 6:28 p.m.

1 CITY OF NEW SMYRNA BEACH – DEVELOPMENT SERVICES
2 **529-533 WASHINGTON STREET**
3 **JANUARY 11, 2012**
4

5 I. Summary

- 6 A. **Applicant:** Julie L. Wood, 306 Dimmick Street, New Smyrna Beach,
7 Florida, 32168
- 8
- 9 1. **Property Owner:** Willie Mae Hill Estate, c/o Gloria Hill, 1764 Kerry Lane,
10 Santa Rosa, California, 95403
- 11
- 12 2. **Request:** Approval for local landmark designation of the property at
13 529-533 Washington Street
- 14
- 15 3. **Subject Area:** The subject property contains approximately 0.35
16 acres of land and is located on the northwest of the intersection of
17 Washington Street and Dimmick Street (**Exhibit A**).
- 18
- 19 4. **Tax ID #:** 7441-30-03-0032
- 20

21 II. Findings

- 22
- 23 (A) The building proposed for landmark designation was constructed circa 1945,
24 according to information from the Volusia County Property Appraiser's
25 website and *History of New Smyrna Black Businesses With Present Area*
26 *Businesses* by Fannie Minson Hudson (**Exhibit B**). During its heyday, the
27 building housed, among other businesses, a restaurant and a dance hall.
28 Today, a barber shop is located in the western end of the building. Pictures
29 of the building are attached as **Exhibit C**.
- 30
- 31 (B) City staff has been working with the owners of the building and their
32 representatives over the course of the past year. Initially, the Community
33 Redevelopment Agency had approached the owners about selling the
34 building, which could then be converted into a business incubator. However,
35 the owners have decided instead to move forward on their own and to create
36 the Westside Cultural Arts and Businesses Cooperative Center. The owners
37 intend to restore the building for use by small start-up businesses, including
38 hair braiding, offices and catering. The owners will be applying for both state
39 and City grant funding. As part of that process, the owners have also
40 requested that the building be designated a local landmark within the City of
41 New Smyrna Beach. A letter from the representative of the property owner is
42 attached as **Exhibit D**.
- 43
- 44 (C) The Florida Master Site File Site Inventory Form, completed during the 2006
45 historic building survey, is attached as **Exhibit E**. According to the survey
46 form, the building displays the influences of masonry vernacular architecture.
47 Additionally, because the building stands in a relatively dense concentration
48 of historic buildings, it appears to contribute to a historic district. While the

1 building is in poor condition today, as stated above, the intent of the property
2 owners is to restore the building to its original condition.
3

4 (D) Section 50-7, City of New Smyrna Beach Code of Ordinances, allows the City
5 Commission to designate local historic landmarks upon recommendation of
6 the Historic New Smyrna Beach Preservation Commission (HPC). The HPC
7 may recommend that a building be designated as a local landmark, based
8 upon one or more of the following criteria:
9

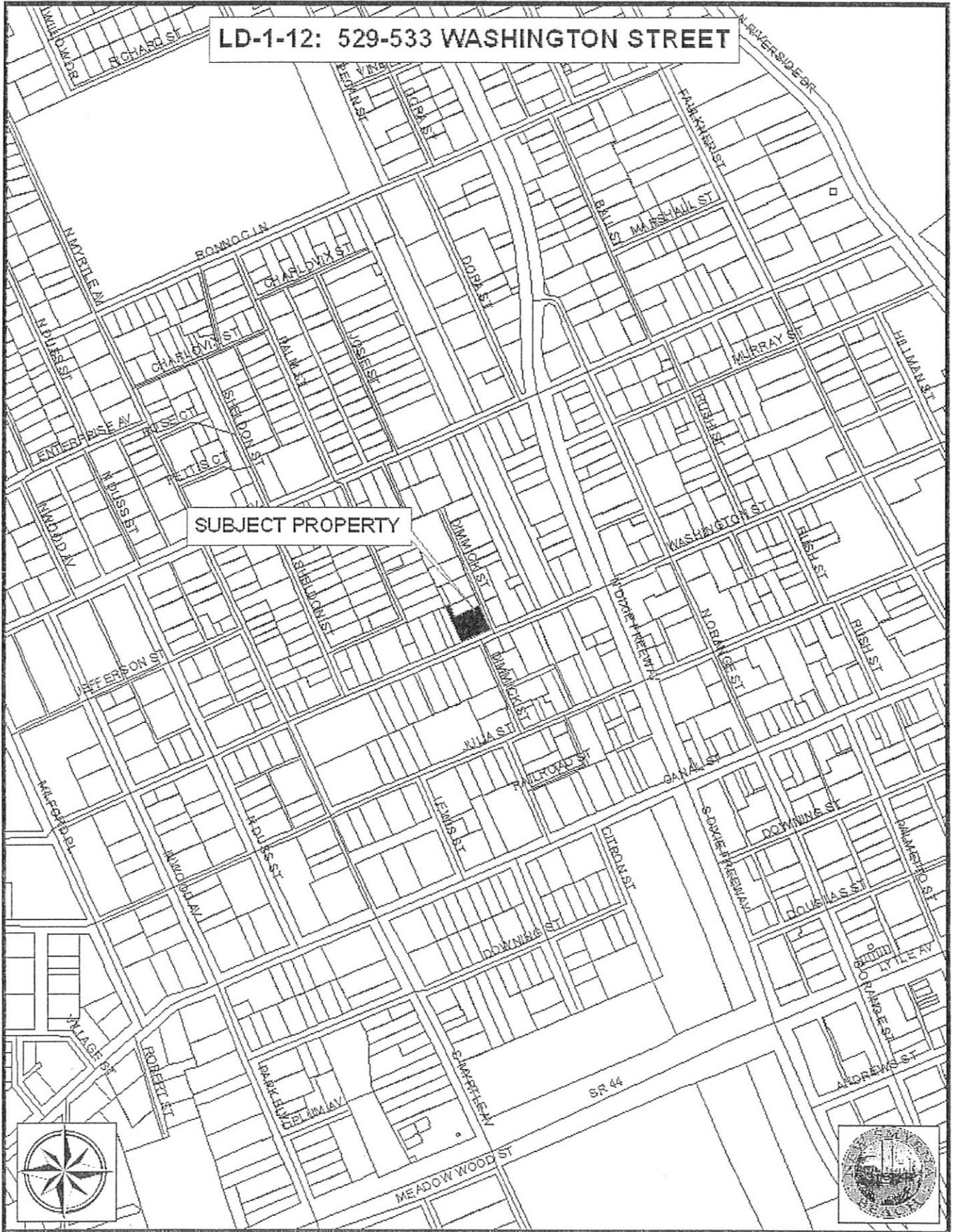
- 10 i. The building's value is a significant reminder of the cultural or
11 archaeological heritage of the city, state or nation;
12
13 ii. The building's location is the site of a significant local, state or national
14 event;
15
16 iii. The building is identified with a person who significantly contributed to
17 the development of the city, state or nation;
18
19 iv. The building is identified as the work of a master building, designer or
20 architect whose individual work has influenced the development of the
21 city, state or nation;
22
23 v. The building is recognized for the quality of its architecture, and it retains
24 sufficient elements showing its architectural significance;
25
26 vi. The building has distinguishing characteristic of an architectural style
27 valuable for the study of a period, method of construction, or use of
28 indigenous materials; or
29

30 (E) The building at 529-533 Washington Street meets criteria i and ii, above.
31 Additionally, the Historic Structure Survey and Assessment completed for the
32 Historic Westside Neighborhood in 2006 by Environmental Services, Inc.,
33 lists the subject building as a potentially contributing structure to any National
34 Register Historic District the might be created in this area.
35

36 (F) Once designated as a local historical landmark, the structure may not be
37 altered without a certificate of appropriateness from the Historic Preservation
38 Commission. The applicant was verbally advised of this fact on November
39 28, 2011. The criteria for granting a certificate of appropriateness are listed
40 in Chapter 50-8, City of New Smyrna Beach Code of Ordinances.
41

42 **III. Recommendation**
43

44 Recommend the City Commission designate the building at 529-533 Washington
45 Street as a local historical landmark.





Washington Square
529-533 Washington Street

It is believed that sometime between 1920 and the early 1940s another building had occupied this same spot, and was possibly owned by Leroy Chisholm. Other business that were believed to have been housed here were the office a Dr. McDaniel, and another business belonging to Rosa Lee Banks, who supposedly rented rooms in the upstairs portion of the old building. In 1945 Ellis (Sweet) and Willie Mae Meeks Hill married and opened a restaurant "The Palace Café in the new building Sweet Hill built from the foundation up by himself. This building housed a restaurant and a dance hall, and a pressing club (which was the name used in the 1900s for dry cleaners.) For many years, other businesses occupied space in the same units from time to time. In the 1940s and 50s this building was similar to the present day strip mall, where a group of stores provided different services or products. Today the west unit is the location of George Manuel Franklin's business, the OK Barber Shop.³

³ Willie Mae Hill; Louella Isaac Jackson; George Hill; Johnny Thomas; Marie Walden Woodard; George Manuel Franklin; Roosevelt Horne; Montez Nixon James.



View from Washington Street looking west

View from Washington Street looking northeast



Westside Cultural Arts and Business Cooperative Center, Inc.

306 Dimmick Street
New Smyrna Beach, FL 32759
386-847-

November 04, 2011

Gail Henrikson, AICP
Planning Manager
Development Services
City Of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, Florida 32168-7040

Dear Mrs. Henrikson:

I really enjoyed speaking with you last week regarding the Westside Cultural Arts and Business Cooperative Center on Washington Street. We are so excited to develop this building as a resource within the city as well as the Westside community. The addresses for the building include 533 - 539 Washington Street and 306 Dimmick Street. A review of its history has indicated that it has the possibility to be designated as a historic site for New Smyrna. The architecture and character of the building as well as it's history, which includes performances by Ray Charles in his earlier years, is very rich and culturally valuable to the Westside area.

As you instructed, I am submitting this request on behalf of the Hill Family to pursue local designation as a historic site in the City of New Smyrna Beach. I will provide as much information towards this goal as possible and any assistance of physical effort that is needed on my part.

Please feel free to contact me at 386-307-3974 to discuss the matter further, or if there is any further information, or application that I need to complete. There are some upcoming State historic grant opportunities that I would like to submit on the Hill Family's behalf for the center.

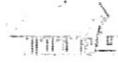
Thank you so much for your cooperation.

Sincerely,

Julie L. Wood

Julie L. Wood
Community Economic Development Consultant/
Grant Writer

cc: Gloria Hill, Anthony G. Otte, Donna Banks



HISTORICAL STRUCTURE FORM
Electronic Version 1.1.0

Site # 0008892
Recorder # 601
Field Date 3/14/2007
Form Date 3/1/2008
Form No 200701
Form No. Exp. Date 12/31/09

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) 529 Washington St Multiple Listing (DHR only) _____
Other Names _____ >> _____
Survey or Project Name New Smyrna Beach Historic Structure Survey Survey# _____
National Register Category Building(s)

LOCATION & IDENTIFICATION

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>529</u>		<u>Washington</u>	<u>Street</u>	

Cross Streets (nearest/between) see attached map
City / Town (within 3 miles) New Smyrna Beach In Current City Limits? _____
County Volusia Tax Parcel #(s) 41173430030032
Subdivision Name Dougherty's New Smyrna Block _____ Lot 1
Ownership _____
Name of Public Tract (e.g., park) _____
Route to (especially if no street address) see attached map

MAPPING

USGS 7.5' Map Name _____ Publication Date >> NEW SMYRNA BEACH, 1988
Township: _____ Range: _____ Section: _____ 1/4 section: _____
Irregular Section Name: >> 178 ; 34E ; 41; UNSP
Landgrant _____
UTM: Zone _____ Easting _____ Northing _____
Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Masonry Vernacular Other Style _____
Exterior Plan Rectangular Other Exterior Plan _____
Number of Stories 1
Structural System(s) >> Concrete block
Other Structural System(s) _____
Foundation Type(s) >> Slab
Other Foundation Types _____
Foundation Material(s) >> Other
Other Foundation Material(s) concrete
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s) _____
Roof Type(s) >> Flat
Other Roof Type(s) _____
Roof Material(s) >> Unspecified
Other Roof Material(s) _____
Roof Secondary Structure(s) (dormers etc) >> _____
Other Roof Secondary Structure(s) _____
Number of Chimneys _____
Chimney Material _____
Other Chimney Material(s) _____
Chimney Location(s) _____

HISTORICAL STRUCTURE FORM

B1008642

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Notified with FMSF, including Field Notes, Plans, and Important Documents

Document type: _____ Maintaining Organization: _____
 File or Accession #: _____ Descriptive Information: _____
 >> _____

RECORDER INFORMATION

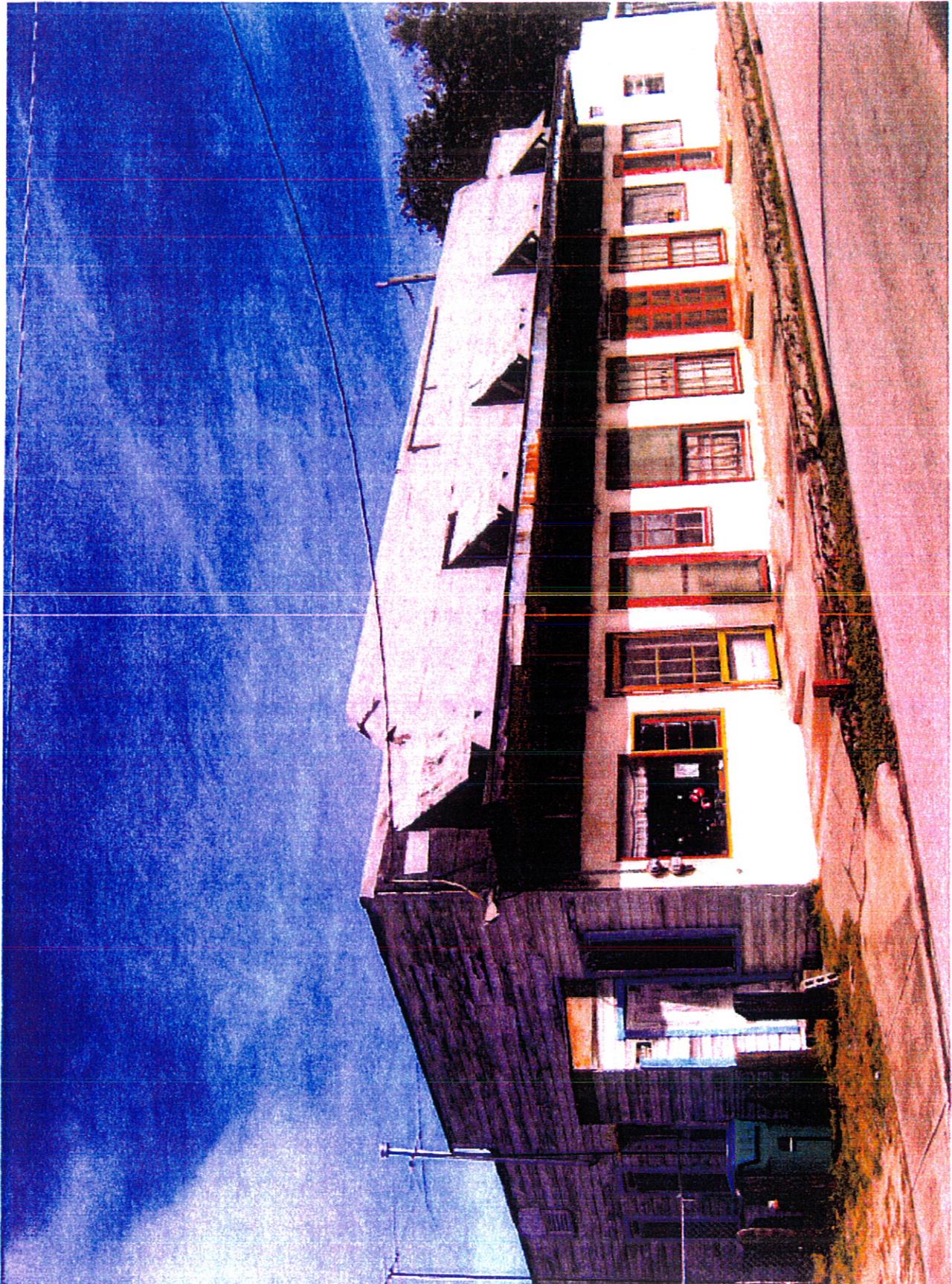
Recorder Name (Last, First) Marissa Gordon
 Recorder Address / Phone 7220 Pinacinal Way Suite 100, Jacksonville, FL 32256 / (904) 724-7333
 Recorder Affiliation Environmental Services, Inc. Other Affiliation _____
 Is a Text-Only Supplement File Attached (Surveyor Only)? _____

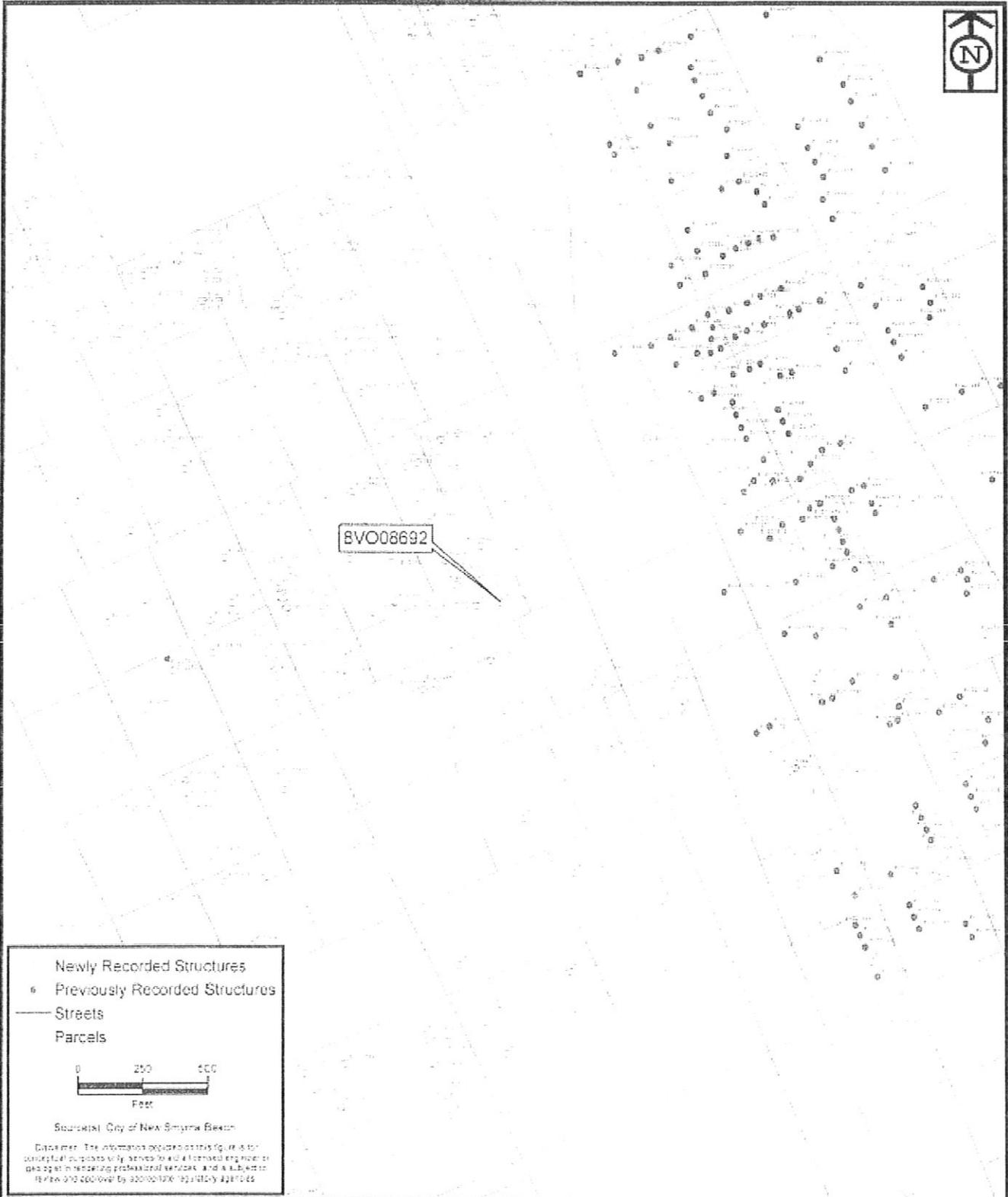
***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: <u>SR</u> Electronic Form Used: <u>8110</u> Form Type Code: <u>NORM</u> Form Quality Ranking: <u>NEW</u> Form Status Code: <u>SCAT</u>	SHPO's Evaluation of Resource Date _____
Supplement Information Status: <u>NO SUPPLEMENT</u> Supplement File Status: <u>NO SUPPLEMENT FILE</u>	FMSF Staffer: _____ Computer Entry Date: <u>3/27/2008</u>
Form Comments: _____ _____ _____	

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"





Newly Recorded Structures
 • **Previously Recorded Structures**
 — **Streets**
 ▭ **Parcels**

0 250 500
 Feet

Source(s): City of New Smyrna Beach

Disclaimer: The information depicted on this figure is for conceptual purposes only, serves to aid all concerned engineers, geologists in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.

ENVIRONMENTAL SERVICES, INC.
 7220 Pinetree Way, Suite 100
 Jacksonville, Florida 32216
 (904) 473-2222
 (904) 473-7112 Fax
 www.environmentalservicesinc.com

Street Map of Surveyed Historic Resources
New Smyrna Beach
 Volusia County, Florida

Project:	EV07181.00
Date:	Mar. 2008
Drawn/Chkd:	JDS/JRN
FMSF #:	BVO08692

File: G:\2007_Reports\Ev_Projects\EV07181\Map_62\Figures\structures_street_map\ev07181_03_26_2008_10:22.am



Interoffice Memorandum City of New Smyrna Beach

To: Historic New Smyrna Beach Preservation Commission
From: Kevin Jameson, Planner
Subject: Alternative to Demolition of Contributing Structures
Date: January 11, 2012

BACKGROUND

The Historic New Smyrna Beach Preservation Commission (HPC) has been having on-going discussions regarding historic buildings that are experiencing demolition by neglect. At the November 9, 2011 meeting, staff and the Board members discussed the possibility of revising the City Code of Ordinances to allow the Historic Preservation Commission an alternative to approving or delaying the demolition of contributing structures. The proposed changes to the City Code of Ordinances would provide a mechanism for the HPC and the Building Trades Board to use demolition funds to repair contributing structures to a safe condition.

FINDINGS

Staff from the Planning, Building, and City Attorney departments have been working to develop procedures to address properties that are undergoing demolition by neglect.

Under the current Code of Ordinances the responsibilities for demolition by neglect are split between the Historic Preservation Commission, Building Department and Code Enforcement, and the Building Trades Board under regulations regarding unsafe and dilapidated structures. These responsibilities are as follows:

Historic Preservation Commission

Under Section 50.12(l) the Historic Preservation Commission may institute proceedings they deem necessary and appropriate to obtain compliance with the City Regulations regarding decay, deterioration and structural defects for properties within the historic districts.

Building Department and Code Enforcement

The City Code Enforcement Officer and Chief Building Official have the authority to notice properties for negligence under Sections 50.12(K) & 50.12(l) and Sections 26.791- 26.800 of the Code of Ordinances.

Building Trades Board

Under Chapter 26, Article X, the Building Trades Board has the authority to issue a determination on a property that has been found to be unsafe or dilapidated. The owner has 30 days to address the issues in the notice or the Building Trades Board may conduct a condemnation hearing. Following a condemnation hearing the Building Trades Board may require a property owner to take actions required to correct the unsafe or dilapidated conditions. If the conditions are not corrected the Building Trades Board may have the City take the corrective action and bill the property owner for the work done.

At the November 9, 2011 HPC meeting, the City's Chief Building Official proposed a concept that would allow the City to make repairs to condemned, but salvageable contributing structures by converting the money set aside for demolition to a fund that would be used to make the repairs. The determination of whether a condemned building is salvageable would be made by the Building Trades Board. The repair plan would be reviewed by the HPC for historic appropriateness. This would require revision of the Code of Ordinances chapters 26 and 50.

The proposed changes to the City Code of Ordinances chapters 50 (**Exhibit A**) and 26 (**Exhibit B**) are attached.

ACTION REQUESTED

Staff recommends that Historic Preservation Commission recommend approval of the proposed amendments to the Code of Ordinances to the City Commission.

Proposed Changes to New Smyrna Beach Code of Ordinances, Chapter 50

Strikethroughs are deletions, underlines are additions.

Sec. 50-12. - Historic building demolition.

(a) *Historic Building Demolition Ordinance.* This section shall be known and cited as the City of New Smyrna Beach Historic Building Demolition Ordinance.

(b) *Finding.* It is the finding of the City Commission of the City of New Smyrna Beach, Florida, that New Smyrna Beach contains many important historical buildings. Further, in the preservation and understanding of the importance of the historic buildings within New Smyrna Beach there is a direct relationship to the economic well-being of the city and the present and future needs, public health, safety, morals and general welfare of the citizens of the incorporated area of New Smyrna Beach, Florida, as well as visitors to and residents of New Smyrna Beach.

(c) *Purpose.* This section is adopted for the purpose of preserving and protecting significant buildings within the city, which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the city; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, relocate or restore such buildings rather than demolish them.

(d) *Definitions.* For the purpose of this section, certain words and terms used herein shall be interpreted to have the meanings as defined below. Where words or terms are not defined in this section, they shall assume the meaning as indicated in Webster's Ninth New Collegiate Dictionary. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designated or arranged to be used or occupied." The word "land" includes the word "marsh," "water" or "swamp."

Building. Any combination of materials capable and intended of being used as a shelter for persons for residential or non-residential purposes.

Commission. The Historic New Smyrna Beach Preservation Commission.

Contributing building. A building recognized as a contributing building within one of the city's National Register of Historic Places historic districts as noted on attached maps labeled as exhibits A and B.

Demolition. The act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction. Removing portions of a building that destroy the original character of the building also constitutes demolition.

Demolition by neglect. The absence of work in maintaining, repairing, or securing a contributing building or structure in a historic district that results in deterioration of an exterior feature of the building or structure or the loss of the structural integrity of the building or structure.

Demolition permit. The permit issued by the city building department as required by the state building code for the demolition or removal of a building or structure.

Significant building. Any building within the city which the commission determines, as provided in section 50-12(g), to be in the public interest to be preserved or rehabilitated, and whose demolition would be detrimental to the historical and/or architectural heritage and resources of the city.

(e) *Regulated buildings.* This section applies to all contributing buildings within the city's two National Register of Historic Places historic districts as shown on exhibits A* and B*.

(f) *Notice.* Notice of a public hearing to consider any proposal to demolish a contributing building as indicated in section 50-12(e) shall be made by the commission staff in a New Smyrna Beach newspaper of general circulation in the city at least 30 days prior to the hearing. The owner or authorized representative of the owner of the building proposed for demolition shall notify all property owners within 150 feet of the subject property of the proposed public hearing. The notice shall be sent by United States Postal Service certified mail "return receipt requested" to each property owner no less than 15 days prior to the advertised public hearing and shall indicate the property address of the building proposed for demolition and location, date and time of the public hearing.

(g) *Commission review.* The commission shall review any application for demolition of a contributing building within the city's National Register of Historic Places Historic District at its next public hearing with notice given as provided in section 50-12(f) to determine whether the building is historically significant as defined in this section. The commission shall also consider information submitted by the applicant, as provided in sections 50-12(g) and (h). The commission shall not consider the request until the applicant has provided the information as outlined in sections 50-12(h) and (i) to explain why the building is not considered

significant or if significant, why it should be demolished. The commission shall issue no demolition approval until the applicant has demonstrated that no other feasible alternative to demolition can be found. The commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition.

The building shall be considered historically significant if one or more of the following criteria are declared to be met by the commission:

- (1) The building is historically or architecturally significant in terms of its period, style, method of building construction or use of indigenous materials; or
- (2) The building is a significant reminder of the cultural, or architectural history of the city, state or nation; or
- (3) The building is associated with a significant local, state or national event; or
- (4) The building is associated with one or more significant historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the city, state or nation; or
- (5) The building is one of a the few remaining examples of its period, style, or method of construction; or
- (6) The building is identified with a person who significantly contributed to the development of the city, state or nation; or
- (7) The building is identified as the work of a master builder, designer or architect whose individual work has influenced the development of the city, state or nation; or
- (8) The building value is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance; or
- (9) The building character is in a geographically definable area possessing a significant concentration or continuity of buildings united in past events or aesthetically by plan or physical development; or
- (10) The building character is in an established and geographically definable neighborhood united in culture, architectural style or physical plan and development.

(h) *Demolition of significant buildings.* If the commission finds that the building is historically significant the commission may, nevertheless, grant a demolition approval if it finds that one of the following circumstances is met:

(1) *Undue economic hardship.* In any instance where there is a claim of undue economic hardship, the property owner shall submit to the commission prior to the public hearing a report indicating the economic hardship and why the demolition should be allowed. The report shall include the following:

- a. The amount paid for the property, the date of purchase and the party from whom purchased;
- b. The assessed value of the land and improvements thereon, according to the two most recent assessments;
- c. Real estate taxes for the previous two years;
- d. Annual debt service, or mortgage payments, if any, for the previous two years;
- e. All appraisals (if any) obtained within the previous two years by the owner(s) or applicant(s) in connection with the purchase, financing or ownership of the property;
- f. Any listing of the property for sale or rent, price asked and offers received, if any; and
- g. Any consideration by the owner as to profitable adaptive uses for the property, including but not limited to possible fair market rents for the property if it were rented or leased in its current condition.

The commission may require that an applicant furnish such additional information as the commission believes is relevant to the commission's determination of any alleged undue economic hardship. The commission may also require, in appropriate circumstances, that information be furnished under oath.

In the event that any of the required information is not reasonable available to the property owner and cannot be obtained by the property owner, the property owner shall file with his/her/their affidavit a statement of the information which cannot be obtained and the reasons why such information cannot be reasonable obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which be as accurate as feasible.

(2) *Building condition.* In any instance where there is a claim the building is not structurally sound and/or suitable for restoration, the applicant shall provide a written report signed by a licensed engineer or architect with experience in historic building restoration stating that the building is structurally unsound and unsuitable for restoration. The commission shall review the credentials of the licensed engineer or architect signing the report and shall find them experienced in historic restorations before the report is accepted. The applicant shall allow members of the commission and commission staff to inspect the interior and exterior of the building.

Lack of alternative to demolition. In any instance where there is a claim of no other alternative to demolition, the applicant shall provide written documentation of attempts to sell the building at a reasonable and comparable amount or to offer it without charge to purchasers willing to move the building to another location and preserve, rehabilitate, relocate or restore the building. A reasonable and comparable sales price shall be indicated by providing evidence such as recent appraisals, comparable values of properties similar to the building proposed to be demolished or other evidence the commission deems acceptable.

(i) *Conditions of demolition approval.* If the commission grants demolition approval for a historical building as provided in section 50-12(g), the commission shall condition approval on one or more of the following requirements:

(1) The commission shall require the applicant to provide a written and pictorial record of the building's history and architectural features for archival purposes, approved by the city. The record should include a narrative accompanied by relevant photographs, drawings, maps, and copies of original documents; or

(2) The commission shall require the applicant to design the replacement building(s) to meet the requirements of the Historic Preservation Design Guidelines for New Smyrna Beach and submit drawings of the proposed work, photographs of existing buildings or structures on adjacent properties and information about the building materials to be used for commission approval; or

(3) The commission may require that the owner allow archaeological study of the property before and/or during demolition if the property falls within the area demonstrated to have a medium or high probability to contain archaeological resources; or

(4) The commission may require that the owner allow salvage activities of the historic building provided the commission finds that there are salvageable materials within the building. Commission staff shall provide

evidence to demonstrate that salvageable materials are within or on the building to be demolished; or

(5) The commission may require that the owner of a historically significant building meet any other condition that is reasonable to mitigate the demolition of the historic building.

(j) *Demolition delay.* Should the commission determine that a building is historically significant and does not meet at least one of the circumstances allowing demolition of a historically significant structure, the commission shall provide for a demolition delay effective date of up to 120 days from the date of the application. The purpose for the delay is for the commission staff to invite the owner of record of the building to participate in an investigation of alternatives to demolition including, but not limited to, incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore or rehabilitate the building; or moving the building. The city will provide the applicant resource assistance including but not limited to potential grant sources, tax relief measures, possible lenders, and available insurers. Once the delay period has ended and if the owner is still seeking demolition of the historically significant structure, the owner shall appear before the commission at a meeting adhering to the notice requirements of section 50-12(f) and present a case as to why the demolition should be granted. The commission shall again consider the reasons for demolition of a historically significant building as indicated in section 50-12(h). The commission shall approve the demolition provided the conditions of section 50-12(i) subsections (1) through (4) are complied with.

(k) Alternative to City initiated demolition. In the instance when the Building Trades Board has, per Section 26-801, condemned a contributing structure as dilapidated and unsafe, and funded the demolition of said structure, the Historic Preservation Commission may, as an alternative to approving the demolition or delaying the demolition, return the application to the Building Trades Board with a request that the Building Trades Board investigate the opportunity to use the demolition funds to repair the contributing structure to a safe condition.

(1) If the Building Trades Board determines that the contributing structure may be repaired to a safe state for a cost not to exceed the cost of demolition, the Building Trades Board will submit a plan for the repair of the contributing structure to the Historic Preservation Commission. The Historic Preservation Commission shall review the manner of the repairs planned for the contributing structure. If the repairs are deemed appropriate for the contributing structure, the Historic Preservation Commission shall issue a finding of appropriateness and approve of the City repairing the contributing structure per the Building Trades Board plan.

(2) If the Building Trades Board determines that the contributing structure cannot be repaired to a safe condition for the amount of money allocated for the demolition, the case will be returned to the Historic Preservation Commission for disposition under section 50-12.

The City shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

(k) *Demolition by neglect.* The owner of a contributing building or structure within an historic district shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings and structures designated as contributing or significant and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings or structures shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:

- (1) Facades that may fall and injure persons or property;
- (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split or buckle due to defective material or deterioration;
- (4) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or
- (6) Any fault or defect in the building that renders it not properly watertight or structurally unsafe.

(l) *Non-compliance.*

- (1) The commission, building official and code enforcement officer are each authorized to institute any and all proceedings in law or equity, as

they deem necessary and appropriate to obtain compliance with the requirements of this section, or to prevent a violation thereof.

(2) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this section for a period of 22 months after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located and all abutting parcels of land under common ownership or control on or subsequent to the date this section was approved.

(3) Upon a determination of the commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the building official and/or code enforcement officer.

(4) Anyone who demolishes a building or structure identified in section 50-12(e) without first obtaining, and complying fully with the provisions of, a demolition permit shall be subject to a fine of up to \$5,000.00.

~~(m)~~ *Appeals to the city commission.* Within 15 days of the commission decision, any affected person may appeal to the city commission any decision of the commission on an application for a demolition. The city commission shall approve, approve with conditions, or disapprove the application within 60 days after receiving the appeal. The city commission shall only approve the demolition of a contributing building if they determine that the request complies with subsections (g)—(j) of this section.

~~(n)~~ *Withholding of demolition permit.* The demolition permit shall be withheld until the procedural requirements of subsections (f) through (j) inclusive have been satisfied.

Proposed Changes to New Smyrna Beach Code of Ordinances, Chapter 26

Strikethroughs are deletions, underlines are additions.

ARTICLE X. UNSAFE OR DILAPIDATED STRUCTURES

Sec. 26-791. Definitions.

Board means the Building Trades Board of the City of New Smyrna Beach

Building means any structure used or intended for supporting or sheltering any use or occupancy. The word building includes the word structure.

Building official means the chief building official of the City of New Smyrna Beach or his duly authorized representative.

Building Trades Board means the Building Trades Examining Board as created by Section 26-326.

Owner means any person, group of persons, firm or firms, joint venture, corporation or corporations, or any other legal entity having legal title to the real property on which a building or structure is subject to the terms of this article.

Person aggrieved means a person whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community.

Structure means anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

Sec. 26-792. Applicability.

This article shall be applicable to the City of New Smyrna Beach.

Sec. 26-793. Enforcement official.

The building official is hereby designated as the investigating and enforcing official pursuant to the provisions of this article. The building official is hereby directed and empowered to inspect land on which the building exists, to receive all complaints of a violation of this chapter, and to enter upon any real property in the conduct of official business pursuant to this article. The building official shall be responsible for providing all notices to affected property owners required by this article and to take such other action as is reasonably necessary to accomplish the purpose of this article.

Sec. 26-794 - Purpose.

(a) There exist in the city, structures that are or may become unsafe or dilapidated due to lack of maintenance or damage caused by weather, fire, vandalism, vermin, insects, or other conditions. Such structures constitute a menace to the health, safety, welfare, and reasonable comfort of city citizens. The existence of such structures, if not remedied, creates blighted areas, curtails investments and tax revenues, and impairs economic values.

(b) All buildings or structures of any kind, including all electrical, gas, mechanical, or plumbing systems, which are unsafe or insanitary, which constitute a fire hazard, or which are dangerous to human life or a hazard to safety or health, shall be abated by repair and rehabilitation or by demolition, in accordance with this article.

Sec. 26-795 - Conditions; nuisance.

(a) A structure is unsafe or dilapidated when any of the following conditions exist:

(1) The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.

(2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

(3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

(4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

(5) The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.

(6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe or dilapidated constitutes a nuisance. No person shall permit an unsafe or dilapidated structure to exist on property under his ownership or control.

Sec. 26-796 - Notice of determination.

(a) Upon identification of a structure as unsafe or dilapidated, a notice shall be sent to the owner of the structure as listed on the most recent available tax rolls, directing that it be repaired or demolished. The notice shall contain the following information:

(1) The name of the person upon whom the notice is served.

(2) The street address of the structure and the legal description of the property on which it is located.

(3) That the structure has been determined to be unsafe or dilapidated, and the conditions upon which the determination is based.

(4) If repairs or alterations will remedy the conditions, the nature and extent of the repairs or alterations necessary.

(5) If the conditions are of such a character that repairs or alterations are not feasible or reasonably expected to remedy the conditions, notice that the structure must be demolished.

(6) That, within 30 days from the mailing date of the notice, a complete building permit application for necessary repairs must be submitted and repairs commenced or the structure must be demolished.

(b) If the conditions are not remedied within 30 days after the notice of determination is sent or a building permit for repairs is not applied for and repairs completed within a reasonable period of time, the property shall be referred to the Building Trades Board to conduct a condemnation public hearing concerning the subject property. The owner or owners shall be notified in writing by the building official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted on the structure at least ten (10) days prior to the hearing. Failure of any person to receive notice shall not invalidate any proceeding under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that these notice requirements have been met. Proof of posting with date and place of posting shall be by affidavit of the person posting the property. Attached to the affidavit shall be a copy of the notice posted.

Sec. 26-797. - Condemnation by city building trades board.

(a) If the owner of any structure has failed to remedy unsafe or dilapidated conditions within 30 days after sending the notice of such conditions as provided in section 26-796, the city Building Trades Board may consider condemning the structure.

(b) Each case before the Board shall be presented by the building official or other city staff. The city attorney shall advise the Board and not act as the prosecutor of the case. In the event that the building official needs legal assistance in prosecution of the case, the building official shall contact the city attorney and the city attorney shall retain

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outside counsel to assist the building official. At the hearing, the Board shall proceed to hear evidence and testimony on the cases before the Board. All testimony shall be under oath and shall be recorded. The Board shall take testimony from the building official or city staff, the property owner and other witnesses called by either the city staff or the property owner. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(c) The action of the Board shall constitute final administrative action.

(d) Upon finding that any structure is unsafe or dilapidated in accordance with subsection 26-796(a), the city Building Trades Board may adopt a order of condemnation, requiring the owner to remedy the conditions by repair or removal by a date not less than 20 days and not more than 60 days thereafter, and providing that failure of the owner to do so will result in the city taking action to remedy the conditions and charging all expenses of the action against the property.

(e) If the conditions are not remedied within the time established, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

Sec. 26-798. - Notice of condemnation.

(a) A certified copy of the order of condemnation as provided in section 26-797, together with a copy of the notice of determination containing information as provided in subsection 26-796(a), shall be served either personally or by certified mail, postage prepaid, return receipt requested, on each owner as listed on the most recent available tax rolls; and.

(b) A copy of the order of condemnation shall be posted on the structure following the adoption of an order of condemnation; and

(c) A copy of the order of condemnation shall be posted at city hall for a period of 20 days following its adoption.

(d) Failure of any person to receive actual notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that these notice requirements have been met. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and place of its posting.

Sec. 26-799. - Repairs after condemnation.

After the building trades board has condemned a structure as provided in this article, no building permit application shall be accepted or permit issued for repairs of the structure except as follows and with a time certain to complete the repairs:

(a)The city shall review any application for a permit to repair a condemned structure and shall determine whether repairs are feasible.

(b)If the proposed repairs are not reasonably expected to resolve the conditions or are otherwise not feasible, the permit shall be denied.

(c)If the repairs are feasible and are reasonably expected to resolve the conditions, a permit may be issued only upon written agreement of the owner or authorized agent specifying the nature of the repairs, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city.

Sec. 26-800. - Structure or property presenting condition of imminent danger.

(a)A structure or property presents a condition of imminent danger to human life or health when:

(1)Due to structurally unsound conditions, a person entering the structure or a portion of the structure is likely to suffer physical injury, and the structure or unsound portion is not completely secured against access;

(2)Due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or

(3)The condition of the property is such that it harbors or is inhabited by pests, vermin, or other organisms injurious to human health, the presence of which constitute an immediate hazard to people or property in the vicinity.

(b)Upon receipt of information that any structure or property or portion of the structure or property is an imminent danger to human life or health, an inspection of the structure or property shall be conducted promptly to determine whether an imminent danger exists.

(c)Upon determination that an imminent danger exists, the owner, as determined from the tax rolls or other information immediately available to the city, and any occupant, shall be notified of the imminent danger presented by the unsafe conditions. Notification shall be in writing provided by hand delivery or by registered letter to the most recent known address. In addition, notice of the unsafe conditions and imminent danger shall be posted on the property. If the owner cannot be determined or located, posting of the property shall constitute notice to the owner. The notice shall require that, within five days, the unsafe

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conditions be corrected or the occupants vacate the premises and the structure, building, or unsafe portion of the structure or building is demolished and removed. Corrective actions may include demolition and removal of structures, removal of building debris, fencing of the property, securing of windows and doors, removal of occupants, or any other action determined appropriate and sufficient to protect the public from injury by the unsafe conditions.

(d) If the unsafe conditions have not been corrected or removed within five days after the receipt of notice by the owner and occupant or the posting of the property if the owner cannot be located, the city may correct the unsafe conditions by demolition and removal of structures, removal of building debris, fencing of the property, securing of windows and doors, removal of occupants, and/or any other action determined appropriate to protect the public.

(e) Any costs incurred by the city to correct unsafe conditions pursuant to this section shall be assessed and charged to the owner of the property and shall constitute a lien provided in Section 26-797(e).

Sec. 26-801 Demolition by Neglect of Historic Structures

(1) A structure or property that reaches a state of deterioration because of delinquent owners who don't have the will or the finances to maintain their historic or contributing structure reaches a point of demolition by neglect when those buildings have:

(a) Parts thereof which are so attached that they may fall and injure members of the public or property;

(b) Deteriorated or inadequate foundation;

(c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;

(d) Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;

(e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;

(f) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;

(g) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;

(h) Fireplaces or chimneys which list, bulge, or settle due to defective materials or deterioration;

(i) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(2) Process

(a) Identification by the Building Official that a building's condition falls under Demolition by Neglect.

(b) A notice shall be sent to the owner of the structure as listed on the most recent available tax rolls, directing that it be repaired. The notice shall contain the following information:

(1)The name of the person upon whom the notice is served.

(2)The street address of the structure and the legal description of the property on which it is located.

(3)That the structure has been determined to be unsafe or dilapidated, and the conditions upon which the determination is based.

(4)If repairs or alterations will remedy the conditions, the nature and extent of the repairs or alterations necessary.

(5)If the conditions are of such a character that repairs or alterations are not feasible or reasonably expected to remedy the conditions, notice that the structure must be demolished.

(c)That, within 30 days from the mailing date of the notice, a complete building permit application for necessary repairs must be submitted and repairs commence.

(d) If the conditions are not remedied within 30 days after the notice, the property shall be referred to the Code Enforcement Board to conduct a public hearing on violations against the City of New Smyrna Beach Code of Ordinances and the Building Trades Board to conduct a condemnation public hearing concerning the subject property.

(e) Upon finding that any contributing structure is unsafe or dilapidated in accordance with subsection 26-801(1), the city Building Trades Board may adopt an order of condemnation, requiring the owner to remedy the conditions by repair or removal by a date not less than 20 days and not more than 60 days thereafter, and providing that failure of the owner to do so will result in the city taking action to remedy the conditions and charging all expenses of the action against the property.

(f) A certified copy of the order of condemnation as provided in section 26-797, together with a copy of the notice of determination containing information as provided in subsection 26-796(a), shall be served either personally or by certified mail, postage prepaid, return receipt requested, on each owner as listed on the most recent available tax rolls; and.

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(g) A copy of the order of condemnation shall be posted on the structure following the adoption of an order of condemnation; and

(h) A copy of the order of condemnation shall be posted at city hall for a period of 20 days following its adoption; and

(i) A copy sent to the historic Preservation Board for review and approval

(j) The Historic Preservation Board may, as an alternative to approving the demolition, return the application back to the Building Trades Board with a request that the Building Trade Board investigate the opportunity to use the demolition funds as a grant to repair the contributing structure to a safe condition.

(k) The Building Trade Board will evaluate the possibility of repair and the costs to repair not to exceed the cost of demolition

(l) The Building Trades Board recommendation will be forwarded to the Historic Preservation Commission.

(m) The City shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

(3) Historic Preservation Grant Program.

For those contributing structures that the City has taken action to repair and have assessed the associated costs as a lien upon the property; the owner may apply to have the lien converted to a Historic Preservation Grant if the following conditions can be met:

(a) The program is open to any resident of the City of New Smyrna Beach who owns and occupies a contributing structure.

(b) Qualifications are based on both family size and annual household incomes that do not exceed 120% of the Volusia County median income, as shown below:

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Low/Mod Income	\$39,982	\$45,730	\$51,415	\$68,520	\$61,723	\$66,283	\$70,844	\$75,404

The income guidelines are to be adjusted every two years in relationship to the Consumer Price Index. Household income will be established by the total annual household income and assets of all persons identified on the title of the property, plus all persons 18 years of age or older living in the home.

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(c) Exterior property improvements are eligible, including exterior paint, window and screen repairs, garage door and exterior door repairs, deadbolts, disabled access, exterior electrical and plumbing repair and weatherization

(d) To keep programs costs down and to provide quality control, the work will be completed by a contractor under contract with the City of New Smyrna Beach.

(e) The following restrictions apply:

(1) Upgrades and remodeling are not allowable

(2) The home cannot be listed for sale or in jeopardy of foreclosure

(3) Homes must be owner occupied

(4) Replacement is only allowable if repair is not possible

Sec. 26-802 – 26- 899. Reserved