



**LEGISLATIVE #**

**110259A**



Planning and Development Services

## Memo

**To:** Community Development Committee  
**From:** D. Henrichs   
**CC:** Erik Bredfeldt   
**Date:** 10/20/2011  
**Re:** Demolition by Neglect

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On August 4, 2011, the City Commission heard an appeal of a Development Review Board approval decision regarding the Jack's Bar (16 and 24 S. Main Street) preliminary development plan. The Commission voted to dismiss the appeal based upon lack of standing by the Appellant.

Following this Commission action, the Commission voted to refer the issue of historic structure protection and historic area protection in the downtown area to the Community Development Committee.

The demolition of Jack's Bar, a 2-story historic brick building built before 1897, in the spring of 2011, raised a broader policy question regarding the downtown and ultimately other areas of the City: the extent to which the existing historic preservation regulatory regimen handles situations in which historic buildings are demolished (either those lying within or outside of existing historic districts).

In the case of the downtown, demolition can interrupt the street edge and create a void. The downtown is made up of a collection of historic buildings, some significant and some altered beyond historic recognition (the downtown is not currently designated as a historic district).

Similarly, this degradation of historic buildings in Gainesville does not stop at the downtown but is seen in designated historic districts particularly in the Pleasant Street Historic District. Over the last decade, houses like the Santa Fe houses in Pleasant Street were left to deteriorate until the only recourse was to demolish them and this was during good economic times.

Currently, the City faces a different set of economic circumstances and the realities of increased neglected properties, foreclosed buildings and absentee owners unwilling to invest in historic neighborhoods and seems to be lacking a proactive systematic posture (encompassing either a carrot or stick approach) that would alert of pending building deficiencies that eventually lead to demolition.

As a consequence, staff provides the following brief overview of demolition by neglect principles and the minimum maintenance of historic properties that can be modified to include buildings outside the purview of the Historic Preservation Board.

## DEMOLITION BY NEGLIGENCE

- The outright demolition of structures is the primary threat to cultural resources facing local preservation review boards.
- A more covert form of demolition is that of intentionally neglect whereby a property is allowed to fall into structural disrepair without technically violating historic preservation ordinances.

## DEMOLITION BY NEGLIGENCE

- Demolition by Neglect undermines the integrity of Gainesville's historic preservation program.
- Prolonged failure to maintain a historic structure results in the structure's preservation becoming threatened.
- A structure that is not maintained does not further the preservation cause and has a tendency to lower property values.

## TO ENSURE THAT HISTORIC RESOURCES ARE NOT DEMOLISHED BY NEGLIGENCE

- The ability to effectively preserve and protect a community's historic resources also requires the commitment to monitor designated resources and enforce violations when they occur.
- The strongest deterrent in failure-to-maintain and demolition-by-neglect cases is the ability to impose significant penalties.

## TO ENSURE THAT HISTORIC RESOURCES ARE NOT DEMOLISHED BY NEGLIGENCE

- Inspection and monitoring system be implemented - Require properties to be routinely inspected and develop a maintenance plan.
- Require timely repairs - Structural defects, decay & deterioration & water infiltrations deficiencies.
- Adopt and utilize a Demolition-By-Neglect ordinance and standard operating procedures.
- Identify process and key coordinators and commit to a course of proactive enforcement – Cross-Departmental Communication and Coordination of Codes Enforcement, the Building Department and Historic Preservation Planner.

## THE CHECKLIST

- Inspection Checklist (Page 4)
- Deficiencies of structural elements, decay & deterioration, loss of significant elements & water infiltration.
- Minimum Maintenance Requirements and Building Codes
- Goal – Stabilization of the Building

## ECONOMIC HARDSHIP PROCEDURE AND TAX AND GRANT PROGRAMS

- Economic Hardship Procedure and Evidentiary Checklist
- Tax programs – Low Income Housing Tax Credits and New Markets Tax Credit

## DIFFERENT PROCESSES FOR DIFFERENT PROPERTIES

- Historic properties in a historic district and identification process of historic properties outside of historic districts.
- Neighborhood preservation and preventing blight.