

Sec. 6-19. - Waiting period for certain demolition permits.

- (a) Permits to demolish structures which have a Florida master site file and/or are 45 years of age or older shall not be issued until the expiration of 90 days from the date of the permit application. The purpose of this restriction shall be to enable the historic preservation board to pursue alternatives to demolition and to assemble and document information pertaining to the appearance and history of the structure prior to its demolition. Upon the filing with the city manager or designee of an application to demolish a structure which has a Florida master site file and/or is 45 years of age or older, the city manager or designee shall immediately notify the historic preservation planner.
- (b) A demolition permit for a structure that has a Florida master site file and/or is 45 years of age or older may not be issued prior to the expiration of 90 days from the date of the demolition permit application unless the city historic preservation planner finds no cause to refer the permit application to the historic preservation board based on the following standards:
 - (1) The structure:
 - a. Is not located in a historic neighborhood as identified by the ERLA Survey, entitled *City of Gainesville Comprehensive Preservation and Conservation Plan*, available in the department of planning and development services; and
 - b. Is not, in the opinion of the historic preservation planner, a "landmark" structure in that it is not designed in an architectural "high style" or a recognized vernacular building pattern, and it does not have historic events or persons associated with it; or
 - (2) The structure has been substantially burned or damaged by an event not within the landowner's control with more than 50 percent of the structure affected.
- (c) If the demolition request does not meet the above standards and the delay is imposed, the application will be referred by the historic preservation planner to the historic preservation board for consideration, and the applicant will be notified by mail of the delay and the date of the next regularly scheduled historic preservation board meeting not less than ten days after the referral, and the process for appeal due to economic hardship. The historic preservation board and its authorized designees shall be permitted access to the premises and to the subject structure during the 90-day period at reasonable times by appointment with the owner or proprietor for the purpose of photographing, measuring, and documenting information concerning the structure or site.
- (d) At the next regularly scheduled meeting not less than ten days after the referral is received, the historic preservation board may waive the demolition delay if the applicant can demonstrate economic hardship, with consideration given to the economic impact of the delay on the applicant and the reasonableness of the applicant carrying out the decision of the board.
 - (1) In the event that economic hardship due to the effect of this section is claimed by an owner, the historic preservation board may require from the property owner any or all of the following information before it makes a decision on the application, as long as such information is relevant for the historic preservation board to decide whether an economic hardship exists:
 - a. A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - b. The estimated market value of the property in its current condition, after completion of the proposed demolition, and after redevelopment of the existing property for continued use;
 - c. An estimate from an architect, licensed contractor, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - d. The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record

or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

- (2) If the property is income-producing, the historic preservation board may also require:
- a. The annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deductions and annual cash flow before and after debt service, if any, during the same period;
 - b. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
 - c. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - d. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
 - e. The assessed value of the property according to the two most recent assessments;
 - f. The real estate taxes for the previous two years;
 - g. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
 - h. Any other information considered necessary by the preservation board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (e) After invoking a demolition delay, the historic preservation planner shall post the subject property with a sign notifying the public of the owner's intent to demolish the structure in order to allow interested parties to come forward and move the structure upon consent of the owner.

(Ord. No. 3502, § 1, 12-12-88; Ord. No. 3541, §§ 1, 2, 6-12-89; Ord. No. 3998, § 1, 7-25-94)

Editor's note— Ord. No. 3502, § 1, adopted Dec. 12, 1988, adding § 8-2(n) to the 1960 Code, has been included as § 6-19 herein at the editor's discretion.

Cross reference— Land development code, Ch. 30; historic preservation/conservation, § 30-112; historic preservation board, § 30-355.