

1 Introduced by Council Members Crescimbeni, Lee and Jones:
2
3

4 **ORDINANCE 2014-427**

5 AN ORDINANCE RELATING TO PUBLIC SAFETY AND
6 NUISANCE ABATEMENT; AMENDING SECTION 518.111
7 (DEFINITIONS) TO ADD A NEW SUBSECTION "(M)" TO
8 ADD AS AN UNSAFE STRUCTURE THOSE NON-HISTORIC
9 BUILDINGS THAT HAVE BEEN BOARDED UP, AND HAVE
10 NO ACTIVE WATER OR ELECTRIC SERVICE FOR A TIME
11 PERIOD THAT EXCEEDS 24 MONTHS; AMENDING
12 SECTION 518.205 (BOARDING OF VACANT BUILDINGS
13 OR DWELLINGS) TO REQUIRE THAT BUILDINGS THAT
14 HAVE BEEN BOARDED UP AND HAVE NO ACTIVE WATER
15 OR ELECTRIC SERVICE FOR A TIME PERIOD THAT
16 EXCEEDS 24 MONTHS SHALL BE ABATED BY THE CITY
17 IN ACCORDANCE WITH THE DEMOLITION PROCEDURES
18 SET FORTH IN PART 3 OF CHAPTER 518; PROVIDING
19 AN EFFECTIVE DATE.
20

21 **WHEREAS,** a non-historic building that has been boarded up for
22 more than 24 months contributes to blight conditions in
23 Jacksonville neighborhoods; and

24 **WHEREAS,** the Stand Up for Your Neighborhoods Ad Hoc Committee
25 on Blight seeks to eliminate such blight conditions, and during its
26 duly noticed meeting on June 13, 2014, approved this Ordinance for
27 introduction to the Jacksonville City Council [A copy of the
28 minutes of the June 13, 2014 Committee meeting is attached hereto
29 as **Exhibit 1**]; now therefore

30 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 **Section 1. Section 518.111 (Definitions.), Ordinance**
2 **Code, amended.** Chapter 518 (Jacksonville Property Safety and
3 Maintenance Code), Part 1 (General Provisions), Subpart B
4 (Definitions) is hereby amended to read as follows:

5 * * *

6 *Unsafe building or unsafe structure* includes the following
7 buildings and structures:

- 8 (a) Those whose walls or other structural members sag, list,
9 or buckle to such an extent that they are in danger of
10 collapse.
- 11 (b) Those with structural members which are overloaded, or
12 which have insufficient strength to be safe for the
13 purpose used.
- 14 (c) Those damaged by fire, wind, deterioration, or other
15 causes to such an extent that they are dangerous to the
16 general health or safety of the occupants or the public.
- 17 (d) Those not having exits or fire protection required by the
18 building code or the fire prevention code.
- 19 (e) Those having any piece, part or attachment which is so
20 insecurely fixed as to be in danger of falling or being
21 dislodged by the elements so that it may injure any
22 person or property.
- 23 (f) Those which are in violation of the minimum housing code,
24 building codes, electrical code or plumbing code of the
25 city.
- 26 (g) Unfinished construction for which the building permit has
27 expired.
- 28 (h) Those which constitute a fire or windstorm hazard.
- 29 (i) Those which have become or are so dilapidated, decayed,
30 unsafe or unsanitary or which so utterly fail to provide
31 the amenities essential to decent living that they are

1 unfit for human habitation or are likely to cause
2 sickness or disease, so as to work injury to the health,
3 morals, safety or general welfare of those persons living
4 therein.

5 (j) The remains, debris, walls, chimney or floors of or left
6 from a building or structure which has partially or
7 completely collapsed, fallen or been torn down.

8 (k) Any abandoned swimming pool, excavation or any septic
9 tank which threatens or endangers the health, safety or
10 welfare of the public.

11 (l) Those which have been used in whole or in part for the
12 unauthorized manufacture, processing, refinement or
13 creation of any illicit drug wherein hazardous chemicals
14 are used in such process. This shall include, but is not
15 limited to, single-family residences, individual units of
16 multi-family structures, hotels, motels, or other public
17 lodgings, storage units, trailers intended to be pulled
18 behind a motor vehicle, motorized vehicles, manufactured
19 housing, or any shop, booth, structure or garden.

20 (m) Those non-historic structures that have been boarded up
21 and have no active water or electric service for a time
22 period that exceeds 24 months.

23
24 * * *

25 **Section 2. Section 518.205 (Boarding of vacant buildings**
26 **or dwellings.), Ordinance Code, amended.** Chapter 518 (Jacksonville
27 Property Safety and Maintenance Code), Part 2 (Improved or
28 Unimproved Lots and Exterior Conditions of Residential and
29 Commercial Properties), is hereby amended to read as follows:

30 **Sec. 518.205. Boarding of vacant buildings or dwellings.**

1 (a) It is declared unlawful and a public nuisance for any owner of
2 any property in the city to maintain such property or permit
3 such property to be maintained in such manner that any one or
4 more of the conditions described in the following subsections
5 are found to exist:

6 (1) Any vacant and unoccupied buildings of which doors,
7 windows, or other openings are broken or missing, so as
8 to allow access to the interior, or boarded and which is
9 not secured in compliance with Section
10 518.205(c)(1), (2) or (3).

11 (2) Any vacant and unoccupied building of which doors,
12 windows, or other openings are secured by boarding for a
13 time period exceeding six months with the exception of
14 historic buildings that have an approved and active
15 mothball certificate of appropriateness (COA) or building
16 permit status.

17 (b) Any vacant, unoccupied and non-historic building that has been
18 boarded up, and has no active water or electric service for a
19 time period that exceeds 24 months, shall be abated by the
20 City in accordance with the demolition requirements set forth
21 and described in Part 3 of this Chapter. Additional time
22 period extensions beyond the initial six month boarding of a
23 building may be approved by the Special Magistrate or
24 Municipal Code Enforcement Board.

25 (c) When a building or structure is unoccupied and is unsafe
26 because it is vacant, unguarded and open at doors or windows,
27 or otherwise provides access to the interior, the Chief may
28 approve the temporary securing of the building or structure.
29 Materials or methods for securing the building or structure
30 shall be as follows:

1 (1) Windows and doors shall be repaired or replaced, closed
2 and locked to prevent unauthorized entry. Other openings
3 shall be sealed with solid sheathing, consisting of one-
4 inch boards or minimum 1/2-inch exterior grade plywood or
5 equivalent, securely nailed in place with 8d nails and
6 painted a similar color as the main structure; or

7 (2) Windows, doors and other openings shall be secured by
8 covering same with solid sheathing consisting of one-inch
9 boards or minimum 1/2-inch exterior grade plywood or
10 equivalent, securely nailed in place with minimum 8d
11 nails and painted a similar color as the main structure.
12 Where there is no frame or where the frame is loose or
13 defective, a subframe of two by four-inch lumber shall be
14 provided to secure the sheathing.

15 (3) The Chief may approve alternatives to the above methods,
16 providing the alternatives are equivalent to the above in
17 strength.

18 (d) When a structure is subject to a mothballing COA pursuant to
19 chapter 307, the structure's owner shall secure the structure
20 using the methods prescribed by rules adopted pursuant to
21 section 307.305.

22 (e) Boarding may be for a period of three years if approved for a
23 mothballing certificate of appropriateness, with any
24 extensions that may be granted through a subsequent
25 certificate of appropriateness and the process outlined under
26 Chapter 307, Part 3. Property owners of non-emergency
27 condemned properties that are locally designated or listed on
28 the National Register of Historic Places shall be notified of
29 the option to mothball their building and be given 60 days to
30 respond. The city will hold in abeyance enforcement or
31 corrective measures until that 60 days time period expires.

* * *

Section 3. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Cherry A. Shaw

Office of General Counsel

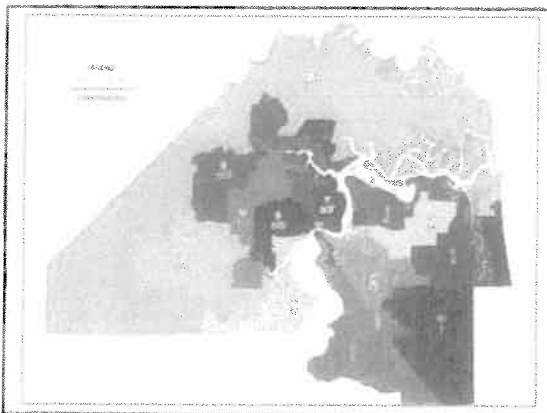
Legislation Prepared By: Cherry A. Shaw

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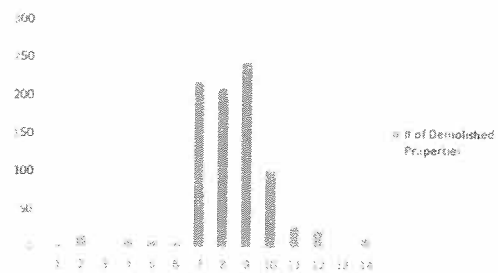
Neighborhood Revitalization

Demolished Properties 2006 - 2014

- 949 primary structures demolished since 2006
 - ✦ 78% were in three Council Districts (7, 8, 9)
 - ✦ 88% still vacant in 2014
 - ✦ 65% in lost market value (\$38m to \$13.4m)
- 1% lost market value county-wide



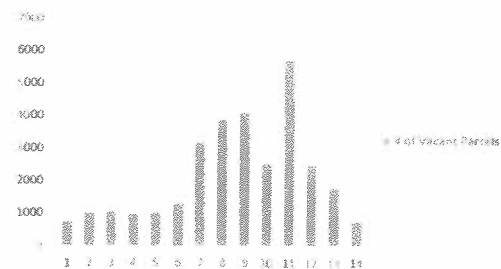
Demolished Properties by Council District 2007-2014

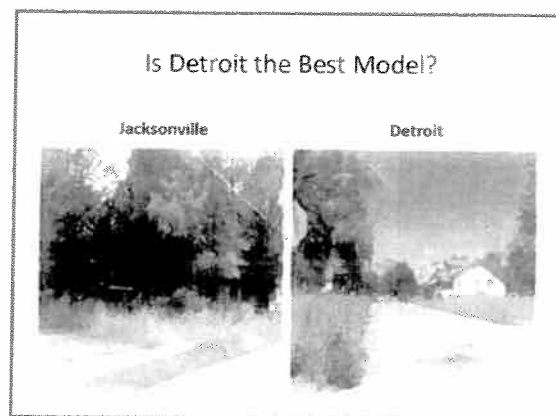
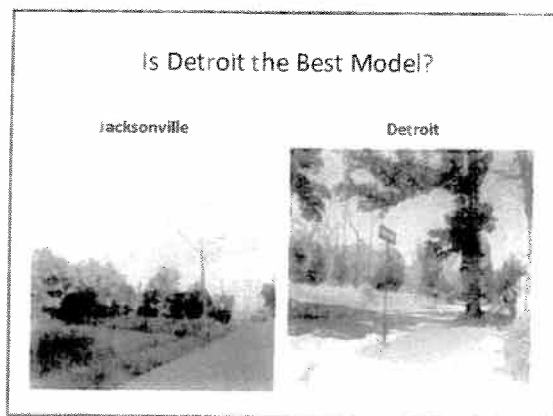
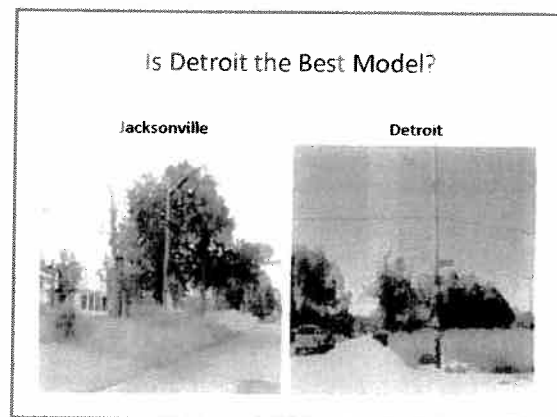
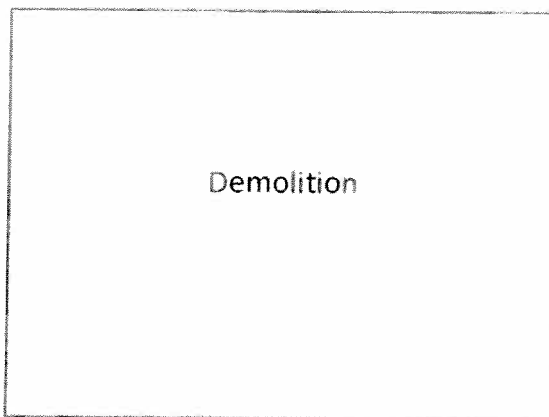
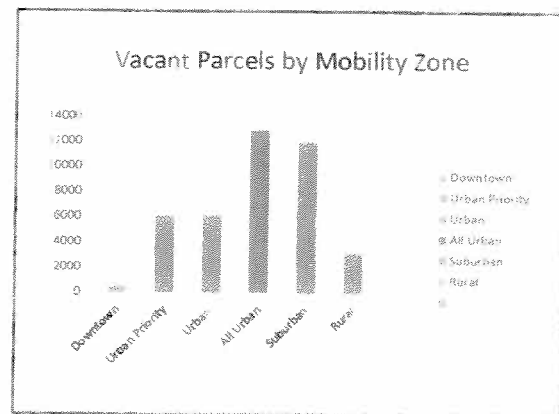
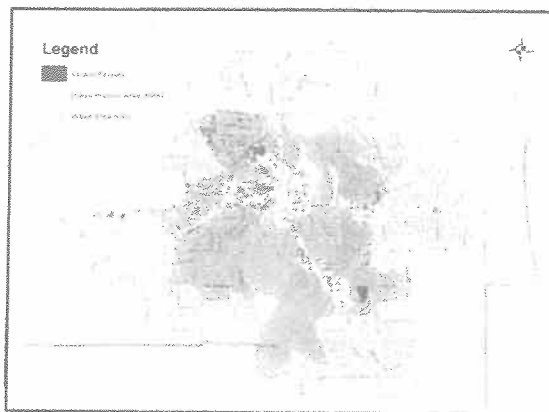


Vacant Lots/Parcels

- 28,141 Vacant Parcels County-wide
- 36% are located in Council Districts 7, 8 and 9
- 48% of COJ-owned vacant parcels located in these 3 districts

Vacant Parcels by Council District





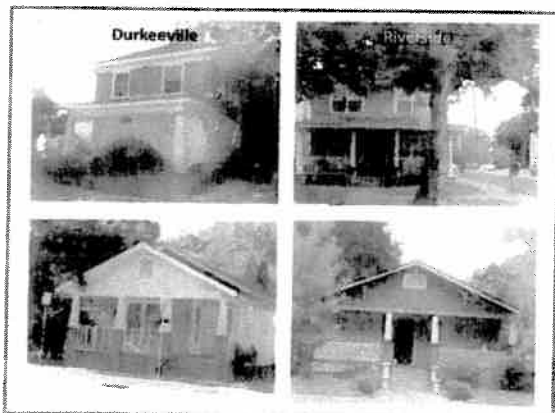
Jacksonville
1053 W. 4th St.



Impact of Bill 2014-427

- Authorizes Code Enforcement to demolish structurally-sound "non-historic" buildings
- Will lead to more demolitions
- Diminishes inventory of potential affordable housing
- Will lead to further neighborhood decline

Jacksonville's Historic Buildings



Weinland Park in Columbus, OH

Weinland Park

- Campus Partner: a 501(c)(3) with a mission to revitalize distressed neighborhoods within the University District of Columbus, OH (300 blocks in 2.8 square miles)
- Weinland Park is 30 blocks in 3.6 square miles
- With the City of Columbus, developed the Weinland Park Neighborhood Plan
- Renovated 20 homes with \$4.3 m in NSP funds; sold to families that earn below 120% of the Area Median Income

more information visit:
<http://campuspartners.org/neighborhoods>
 or contact Weinland Park Fund



Exterior Home Repair Program

- Partnered with JP Morgan Chase and Columbus Foundations
- Provided \$1 million
- Grants up to \$20,000 to homeowners
- Additional funds have been allocated

Acquired & Demolished 2 Apts

Built 10 Single-Family Homes with NSP Funds



7 Habitat Homes

Matched architecture and character of neighborhood



\$30 Million Invested in Section 8 Units

\$70k per unit – 500 units



Renovate former Section 8 for Market-rate \$3 m in historic tax credits



Brownfield Site - \$80 m – 500 Units

Grant Avenue with new streets, sidewalks, street lights,
underground utilities - \$14 m in public improvement



New Grocery Store Weinland's Commercial Corridor



Alternatives to Demolition

- Code Enforcement repair or board and secure as authorized under Sec. 518.304
- Mothball Structures
- Roof Program
- Provide Rehabilitation Incentives
 - ❖ Urban Core Tax Exemption Program
 - ❖ Gap Funds
 - ❖ Repair Grants
- Improve public infrastructure
- Implement existing Neighborhood Action Plans
- Train neighborhood residents in skills needed to rehab structures

Consolidation Taskforce Recommendations Neighborhood Sub-Committee

- Create City dept /div. to nurture & support neighborhoods, neighborhood organizations and CPACs
- Require a percentage of CIP every year goes to the pre-consolidated Urban Core – both City and Independent Authorities
- Recognize the importance of neighborhoods in the City Charter, plus add the Neighborhood Bill of Rights
- Amend the ordinance code to give neighborhood organizations a say in what happens in their neighborhoods

One of Seven 1914 Duplex Bungalows 2306 Moncrief Rd



Why Not Jacksonville?

Moncrief & 13th

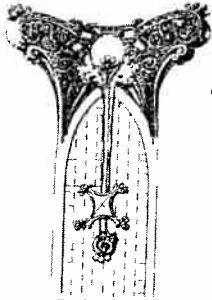


New Orleans



Possibilities 13th & Moncrief Duplex Bungalows





JACKSONVILLE HISTORIC PRESERVATION COMMISSION

July 22, 2014

VIA EMAIL

The Honorable E. Denise Lee, Chairwoman
Special Ad Hoc Committee on
Jacksonville's Neighborhood Blight
c/o Executive Counsel Assistant
Office of City Council
117 West Duval Street, Suite 425
Jacksonville, FL 32202

RE: Proposed Ordinance 2014-427

Dear Councilwoman Lee:

On July 25, 2014, the Jacksonville Historic Preservation Commission considered proposed Ordinance 2014-427, regarding the demolition of vacant buildings. The Commission believes in the importance of the issue the Blight Committee is investigating, and also that something needs to be done, and should be done, to alleviate blight conditions in many parts of Jacksonville, including in the historic districts. However, the Commission respectfully disagrees that the legislation proposed in 2014-427 is a viable solution to blight issues, and also believes that it significantly threatens Jacksonville's historic resources.

Attached to this letter is a map from the Historic Preservation Element of the 2030 Comprehensive Plan, showing "Master Site Files," which are properties that have been surveyed as potentially historic. The sites are scattered throughout Duval County, but very few of them are actually designated as Landmarks and the map illustrates that most are outside of designated local historic districts. Therefore, most of the Master Site File properties would be unprotected under the proposed legislation. Further yet, many other sites exist within Duval County that have yet to be documented or evaluated for historic status, leaving them vulnerable to demolition under the proposed legislation. Each of these undocumented sites and documented Master Site File properties may be potential landmarks or potentially contributing structures to future historic districts. But they could all be demolished under the proposed legislation without safeguards.

The proposed legislation would allow a property in a historic district to be demolished too, after only 60 days notice, if the owner does not apply for mothballing status. There is nothing in the ordinance that would require a COA, and thus the demolition process would appear to bypass Chapter 307's protections for historic properties. Also, the mandatory nature of the proposed



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legislation *requires* demolition. See sec. 2 (b) ("*shall* be abated by the City in accordance with the *demolition* requirements set forth and described in Part 3 of this Chapter") (emphasis added). This preference for demolition is contrary to the Historic Preservation Element of the 2013 Comprehensive Plan.

The City of Jacksonville is a Certified Local Government, making it eligible for certain grants and programs. This status was made possible by passage of the historic preservation ordinance and establishment of the JHPC to develop and oversee the functions of City's historic preservation programs. Therefore, the legislation should not circumvent those programs.

To illustrate the potential harm that the proposed legislation could create, is the very building in which the City Council now has its offices. The St. James Building was closed and unoccupied in 1987. It was not until 1993 that the City bought the building in order to renovate it into the current City Hall. Yet, the current proposed ordinance requires demolition after a building has been unoccupied for only two years. Accordingly, if the proposed ordinance had existed in 1989, then the St. James Building would have been required to have been demolished that year, as the proposed legislation is currently written.

The ordinance does not define "historic" or "non-historic." Chapter 307 of the Jacksonville City Ordinances, which applies to the Jacksonville Historic Preservation Commission and the historic program, does not use the term "historic" and there is no such definition in the Jacksonville City Code or in the Comprehensive Plan. The lack of specificity creates ambiguity in the ordinance, as to what is meant by "historic."

The proposed ordinance, rather than promoting an economic revitalization, would instead promote the bulldozing of buildings. Examples of the destruction of communities, caused by demolition in the name of blight-removal, are the areas of La Villa and Brooklyn. Both were historically thriving African American communities, and both have effectively been bulldozed away. Virtually nothing remains of LaVilla to tell the modern visitor of its rich history and associations with some of the greatest jazz musicians in America that lived and performed their music in LaVilla. The JHPC has received public comment that the communities of the Eastside and Durkeeville fear losing the flavor and fabric of their historic communities, including the once-thriving commercial area along J. Philip Randolph Boulevard, and want to preserve the historic fabric in those areas. Yet, those areas are not historic districts protected under Chapter 307 and would be vulnerable to demolition under the proposed legislation, which would vastly impact their historic character.

The Commission believes that rehabilitation is a better tool than demolition for the revitalization of neighborhoods. The current code already gives the City the power to remediate a dangerous condition, such as fixing a hole in a roof, boarding a property to prevent unlawful entry, and emergency powers up to and including demolition if the building is truly a hazard. The City can also foreclose on the lien created when the City remediates a property. The proposed ordinance change is unnecessary, and only provides a legislative preference to demolition over revitalization.

Yet, demolition does not remove blight. Empty lots are a form of blight too, as the blight codes in Detroit, New Orleans, and a host of other cities recognize. Empty lots are a drain on a community and tax payer money. In 2005, the National Vacant Properties Campaign conducted a nationwide study and made these conclusions:

Demolishing crumbling vacant buildings does not completely eliminate the costs associated with abandonment. The resulting vacant lots still require maintenance. A study of vacant lots in Philadelphia estimated that the city and closely related public agencies spent \$1.8 million annually on cleaning vacant lots. At the current level of activity and assuming a three percent inflation rate, this adds up to \$49.6 million over the course of twenty years. The study only included the costs of five out of the fifteen agencies that have a role in vacant property management.

Rehabilitation is clearly a better choice. An examination of the St. Paul, Minnesota budget for maintenance and security costs associated with vacant buildings revealed that while demolition saves \$4,697, the rehabilitation of a vacant building will save an estimated \$7,141 in maintenance costs over a twenty-year period.

[National Vacant Properties Campaign, *Vacant Properties: The True Costs to Communities*, page 6 (August 2005)].

Therefore, tearing down buildings does not save a municipality as much money in the long run as rehabilitation of existing housing stock. Likewise, the demolition of buildings does not eliminate blight, it just transforms one form of blight to another form of blight that still must be reckoned with. But in the meantime, demolition creates a scar in the fabric of the community that tends to spread blight further.

Rehabilitation of historic properties -- residential and commercial -- creates local economic development and local jobs. While new construction is often accomplished by ordering various parts from manufacturers outside of the local area, renovation often requires skilled trades people who live and work locally. When local craftsmen are hired to renovate a building, they spend their money locally and it has a positive economic multiplier effect to the local economy that new construction just does not have. The demand for local craftspeople generates local jobs. Multiple studies have been done which establish these economic effects.

The Commission also shares a concern about the health and environmental effects of the demolition of older buildings. Although the City contracts with others to demolish buildings, and those contracts require proper abatement of asbestos and lead, many residents have testified before the Commission that the contractors do nothing to abate asbestos and lead prior to tearing down a building, creating a hazardous cloud of asbestos and lead dust when a building is taken down. These substances can be safely abated or encapsulated if the building is renovated.

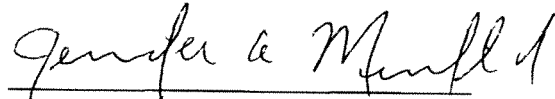
July 22, 2014

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We conclude with an example of a better solution than demolition. The City foreclosed on the Bostwick Building, downtown, and that building is now up for auction. Given the interest in the building's location, it is anticipated that the funds obtained at the auction will pay for all of the City's costs in the foreclosure. The new owner will renovate the building instead of demolishing it, creating an exciting new business in the heart of downtown. Studies show that the rehabilitation of a historic building triggers the renovation of neighboring buildings -- and that will eliminate blight.

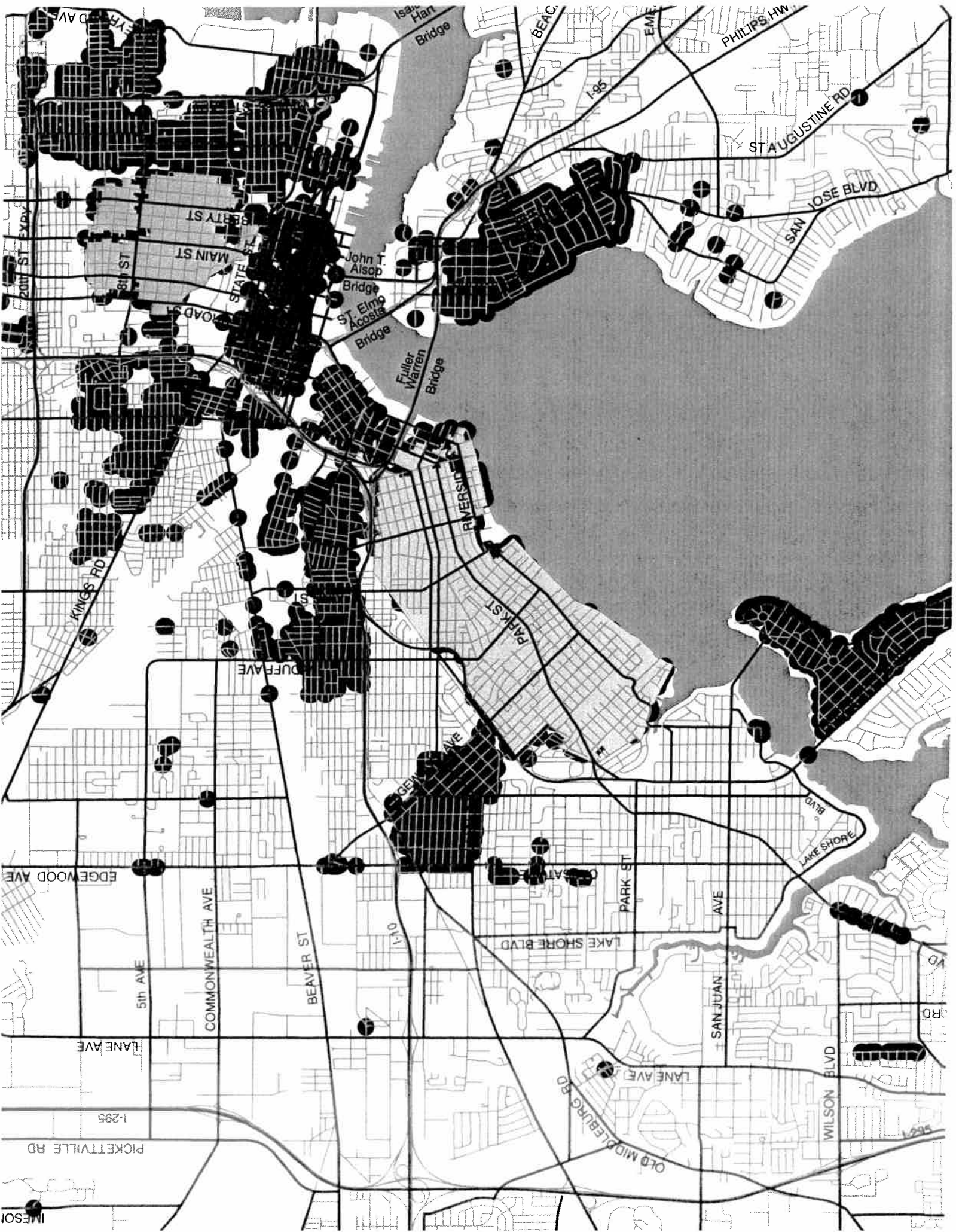
For all these reasons, the Jacksonville Historic Preservation Commission respectfully opposes proposed ordinance 2014-427 with current language, and favors exploration of options that enforce existing codes and encourage reinvestment through rehabilitation.

Sincerely yours,

A handwritten signature in cursive script, reading "Jennifer A. Mansfield".

Jennifer A. Mansfield, Chair
Jacksonville Historic Preservation
Commission

cc: Greg Anderson
William H. Bishop
John R. Crescimbeni
Bill Gulliford
Warren A. Jones
Jim Love
City Council Members
Jacksonville Historic Preservation Commission
Urban Core CPAC



From Section 163.340, Florida Statutes

- (8) **“Blighted area”** means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:
- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
 - (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
 - (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 - (d) **Unsanitary or unsafe conditions;**
 - (e) **Deterioration of site or other improvements;**
 - (f) Inadequate and outdated building density patterns;
 - (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
 - (h) Tax or special assessment delinquency exceeding the fair value of the land;
 - (i) **Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;**
 - (j) **Incidence of crime in the area higher than in the remainder of the county or municipality;**
 - (k) **Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;**
 - (l) **A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;**
 - (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
 - (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.