

PART 3. ENFORCEMENT ALTERNATIVES TO PROVISIONS OF CHAPTER 518

- Sec. 307.301. Legislative Intent and Findings.
- Sec. 307.302. Mothballing Vacant Structures.
- Sec. 307.303. General Mothballing Procedures.
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- Sec. 307.305. Mothballing Rulemaking Authority.
- Sec. 307.306. Additional Mothballing Measures.
- Sec. 307.307. Enforcement.

The Council finds and declares that the current enforcement options available for violations of Chapter 518 may lead to the demolition of landmarks and contributing structures in the City's historic districts. Further, financial and real estate markets may serve to hamper the ability of property owners to appropriately address outstanding violations of Chapter 518 in a timely and fiscally responsible manner. Failing an appropriate response by the property owner, the City is forced to address the violations through engaging in an enforcement process or demolition at the City's expense. It is desirable and in the public interest to create an enforcement alternative to allow property owners to preserve the historic structures while maintaining the public's health, safety and welfare.

The intent of this Part is to provide owners of historic properties with an alternative to strict compliance with Chapter 518 and the limited choice of either a complete rehabilitation of the structure or demolition. A process is needed in order to protect the financial investment in a landmark or contributing structure within a historic district by providing more time to secure funding for the rehabilitation of the structure or to market the property for sale. This process is not intended to be used to circumvent the need to perform structural corrections or perform routine and on-going maintenance to ensure protection of the public health and safety, nor as a means for a property owner to avoid compliance with Chapter 518. It is preferable for the owner to perform any necessary repairs or to sell the property to someone committed to rehabilitating the structure so that it may productively contribute to the overall community.

(Ord. 2011-408-E, § 2)

- (a) In lieu of enforcement under other provisions of Chapter 518, the owner(s) of a vacant locally designated or National Register listed structure may elect to mothball their structure.
- (b) To prevent demolition of structures which have been either individually or as part of a district, locally designated or listed on the National Register of Historic Places, that should be preserved because of their historic significance, the Jacksonville Historic Preservation

Commission may grant a mothballing certificate of appropriateness to the property owner. During the effective period of the approved mothballing certificate of appropriateness, the Chief of the Municipal Code Compliance Division shall stay enforcement of Chapter 518 against the structure, except as otherwise stated herein, including where property conditions deteriorate further or warrant emergency action.

- (c) The three highest priorities for the mothballing program are:
- (1) To weatherize and ventilate the historic structure(s) to stop the damaging effects of moisture;
 - (2) To stabilize and maintain the historic structure(s) to prevent structural failure and further deterioration; and
 - (3) To secure the historic structure(s) to protect against vandalism and unauthorized entry.

(Ord. 2011-408-E, § 2)

Sec. 307.303. General Mothballing Procedures.

- (a) *Application and Required Documents.* A certificate of appropriateness application for mothballing shall be completed and submitted with the required documents to the Historic Preservation Section of the Planning and Development Department, pursuant to section 307.106. The application shall be reviewed for completeness and forwarded to the Commission for review. Such a review will not negate the ability of staff to process related certificate of appropriateness applications not pertaining to mothballing that meet the Design Regulations and can be processed administratively or be separately sent to the Commission. As part of the required information to process a mothball application, the property owner shall submit the current telephone numbers and addresses of all persons who will be responsible for any maintenance of the structure and property and shall provide authorization and consent from the property owner to allow unannounced periodic exterior inspections of the property by Planning and Development Department and/or Municipal Code Compliance Division inspectors during the mothball period.
- (b) *Notification Requirements.* In addition to the notice requirements as outlined in Chapter 307.106, the Chief of the Municipal Code Compliance Division shall also be notified of the public hearing.
- (c) *Completion Period.* The owner or his designee shall have 90 days from the effective date of the Final Order to complete the required mothballing specifications approved and conditioned under the application, unless the nature of the work is so extensive to make this time period unworkable. In such instance, the Commission may grant a longer period, however, in no instance shall this time period exceed six months.
- (d) *Inspection for Mothball Compliance.* The owner shall contact the historic preservation code inspector and Municipal Code Compliance inspector, if the mothball certificate of appropriateness contains conditions related to correction of structural stabilization issues, to jointly conduct an inspection to ensure all the requirements of the mothballing certificate of appropriateness have been fulfilled.
- (e) *Compliance.* If the work is complete and in compliance with the mothball certificate of appropriateness, the historic preservation inspector shall issue a written notification of compliance to the property owner with copies for the Planning and Development Department to place in the certificate of appropriateness file and for the Municipal Code Compliance Division to place in their files.
- (f)

Non-compliance. If the owner has not complied with the requirement of the certificate of appropriateness, the Planning and Development Department shall issue a letter of non-compliance to the owner outlining the deficient area(s). The building owner will have 30 days from the date of the letter within which to take corrective action(s) and request another compliance inspection. The owner may be subject to other enforcement proceedings if either the Planning and Development Department or Municipal Code Compliance Division finds the structure is in non-compliance during the follow-up compliance inspection.

- (g) Yearly Report. The owner of a mothballed property shall provide a yearly report to the Planning and Development Department including a log of the required building monitoring, describing any changes to the condition of the building, documenting all repairs and maintenance performed, documenting any additional rehabilitation measures completed, stating any progress in securing funding for the overall rehabilitation of the building, and outlining all efforts to market the property during the mothballing period.
- (h) Effective period of certificates of appropriateness and extensions. The certificate of appropriateness is effective for three years or until such time as the property owner begins renovation activities. Additional three-year extensions of the mothballing status can be requested through the filing and approval of a new certificate of appropriateness application for mothballing pursuant to section 307.106(v).
- (i) These procedures are supplemental to any necessary certificates of appropriateness or building permits otherwise required by the City, based on the nature of work being performed.

(Ord. 2011-408-E, § 2)

Sec. 307.304. Inventory of Mothballed Buildings.

- (a) As part of the required information to process a mothball application, the property owners will submit the current telephone numbers and addresses of all persons who will be responsible for any maintenance of the structure and property. It is the sole responsibility of the property owner to update this information with the Department when needed.
- (b) The Planning and Development Department shall maintain an inventory of all approved mothballed buildings.

(Ord. 2011-408-E, § 2)

Sec. 307.305. Mothballing Rulemaking Authority.

Under section 76.103(a)(18), the Commission has the power to adopt rules to administer the requirements of this Chapter. As such, the Commission shall develop rules to provide technical requirements and/or recommendations to appropriately mothball a structure. The Chief of the Municipal Code Compliance Division shall be specifically notified of the proposed rules or amendments and invited to participate. Such rules, by way of example and not intended to serve as a limitation, may provide for the following:

- (a) Methods for insuring the structural stability of the building (e.g. masonry repair, rot repair, interior bracing);
- (b) Methods for insuring that the structure is watertight and not subject to deterioration from the elements (e.g. rolled roofing, window repair, siding repair);
- (c) Methods for insuring that the structure is secured against unauthorized access (e.g. doors, windows, sub-floor);
- (d)

Methods to insure the mothballed structure will not create a blighting condition on its surrounding neighborhood (e.g. landscaping, painting, leaving glassed windows unboarded, solar motion-detection security lighting);

(e) Methods to insure that historic features, characteristics and fabric will be preserved (e.g. encasement of historic features);

(f) Monitoring and routine repair requirements during the mothballed period;

(Ord. 2011-408-E, § 2)

Sec. 307.306. Additional Mothballing Measures.

At the end of the initial three-year mothballing certificate of appropriateness term, the renewal(s) of the mothballing certificate of appropriateness authorized in sections 307.106(v) and 307.303 shall be contingent upon the owner satisfying one or more additional rehabilitation measures per year. Examples of such efforts would include such work items as replacing temporary roofing materials with an approved appropriate product, wholesale window restoration, wholesale rewiring the structure, replacing all of the plumbing, installing a new HVAC system and duct work, refinishing all of the hardwood floors, etc. The cost of the rehabilitation measures should provide a minimum of a \$2,500 investment and the nature of the work should go beyond the basic maintenance issues addressed as part of the mothballing program and contribute to and further the overall effort to rehabilitate the structure or market the property for sale.

(Ord. 2011-408-E, § 2)

Sec. 307.307. Enforcement.

It shall be the responsibility of the Planning and Development Department to enforce the provisions of Part 3.

(Ord. 2011-408-E, § 2)