
Sec. 94-107. - Demolition requirements.

- a. *Intent.* Demolished structures result in vacant lots which can contribute to the perception of blight in the downtown area. Further, some vacant structures may have significant historic value and their demolition would be an irreversible loss to the community. Sustainable communities that aim to reduce their carbon footprint should place a greater emphasis on the renovation and reuse of existing structures. These requirements describe the mechanisms for protecting important building fabric in the downtown area.
- b. *Demolition of existing buildings.* The demolition of existing buildings shall comply with the following requirements:
 1. Designated historic structures proposed for demolition shall comply with section 94-49.
 2. Existing buildings may not be destroyed or removed unless they are to be replaced according to these urban regulations and only after a building permit which affects the vertical construction for the new building has been obtained by the property owner or developer. Permits which affect vertical construction include the foundation, vibro-flotation, soil mixing, pressure grouting and full building permits. Clearing and grubbing and underground utilities and site work permits are not considered permits which affect vertical construction. The final building permit for the new building shall be applied for within 30 days of issuance of the demolition permit and shall be diligently responded to by the applicant. Vertical construction shall commence within six months of the issuance of the building permit. The application and/or building permit will expire in the event of six months of inactivity or failure to progress with the application or construction, or as otherwise provided in the local amendments to the Florida Building Code adopted by the city. In the event that vertical construction has not commenced within six months, the site shall be restored to grade, tilled, sodded, and irrigated. Any temporary construction fence shall also be removed.
 3. Before issuance of a demolition permit, the property owner shall obtain and keep in force a policy or policies of general liability and property damage insurance in an amount to be determined by the city for combined single limit, per occurrence, bodily injury, and property damage. A certificate of insurance shall be submitted to the city prior to issuance of the demolition permit and shall name the city as an additional insured party.
 4. Unsafe structures as defined by the Standard Unsafe Building Abatement Code adopted by the city may receive an emergency demolition order from the city building official due to unsafe structure conditions.
 5. The DAC may also authorize the demolition of a structure on sites with contamination identified by a site environmental study.
 6. The DAC may authorize the demolition of a structure to allow the creation of an urban open space. The urban open space shall be conveyed to the city or other public entity, and shall be rezoned as an urban open space.
- c. *Demolition standards.* Unless otherwise provided in subsection 94-107(b), DAC may approve the request for a demolition upon the finding that the petition satisfies each of the following standards:
 1. There exists a significant economic hardship to rehabilitate and reuse the structure based upon the structural condition of the building and practicality of rehabilitation and reuse.
 2. The demolition will not cause significant harm to the public's interest due to the lack of architectural or historic significance of the building.
 3. The structure does not maintain the continuity, scale and massing of adjacent structures and the structure lacks prominence within the block or its relationship to adjacent structures.
 4. The structure's reuse is inconsistent with the goals and intent of the specific district in which it is located.
 5. The removal of the structure will enhance the public safety, health, and welfare of downtown resident and visitors.
 6. Due to the structure's condition and level of deterioration, it would be impractical to board and secure the structure.

If the demolition request does not satisfy each of the demolition standards, the request shall be denied.

- d. *Demolition materials.* Any proposed demolitions of a building larger than 50,000 square feet shall divert 50 percent of construction, demolition, and land clearing debris from landfill disposal by developing a waste management plan which quantifies material diversion goals. Calculations can be done by weight or volume, but must be consistent throughout as described in the Leadership in Energy and Environmental Design (LEED) Standards for Materials

and Resources, Credit 2. Hazardous waste and excavation soil may not be included in the calculations. Structures which are to be demolished due to environmental contamination are not required to fulfill this standard.

Before issuance of a demolition permit, the property owner shall pay a sustainability deposit to the city in an amount established by resolution of the city commission, in addition to any other deposits or bonds required by the city. The architect or contractor shall certify the implementation of this requirement 60 days after the demolition of the structure through the submittal of a report to the planning department. If diversion requirement is met, deposit is returned to applicant, if diversion requirement is not met, deposit will be forfeited to the city.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009)