Historic Preservation Board

December 11, 2013 at 9:00 a.m.
Commission Chambers • City Hall Second Floor
401 South Park Avenue • Winter Park, Florida

1 action

1. Approval of September 11, October 9 and November 13, 2013 meeting minutes.

   COR 13-008 Request of Powell and Nancy Brown to add an attached carport on the east side elevation at their property located at 1243 Alberta Avenue. A variance is requested for a side setback of 5 feet and 11 inches in lieu of the required 15 feet. Individually designated historic landmark. Zoned R-1AAA. Parcel ID #05-22-30-6484-03-010.

2 new business


3 adjourn

Next regular HPB meeting, 9:00 a.m. Wednesday, January 8, 2014.

appeals & assistance

“If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.” (F. S. 286.0105).

“Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk’s Office (407-599-3277) at least 48 hours in advance of the meeting.”
COR 13-008  Request of Powell and Nancy Brown to add an attached carport on the east side elevation at their property located at 1243 Alberta Drive. A variance is requested for a side setback of 5 feet and 11 inches in lieu of the required 15 feet. Individually designated historic landmark. Zoned R-1AAA. Parcel ID #05-22-30-6484-03-010.

**Background.** This is the Udolpho T. Bradley House. The single family residential property at 1243 Alberta Drive was individually listed in the Winter Park Register of Historic Places in 2001. The house was designed by James Gamble Rogers II and built in 1936 for Dr. and Mrs. Udolpho T. Bradley. The property is primarily important for its architecture and as a fine example of the residential work of Rogers in Winter Park.

**Association with James Gamble Rogers II** James Gable Rogers II (1901-1990) was one of the first architects in Winter Park during the period in which the city has achieved its distinctive character. Rogers' architecture set local and regional standards for design. The son of architect John Arthur Rogers, the younger Rogers trained at his father's Daytona Beach architectural firm until 1925 when he opened a practice in Winter Park. Rogers would become a founding member and first president of the Mid-Florida Chapter of the American Institute of Architects and a four-term president of Florida's State Board of Architecture. He was the recipient of the 1984 Hamilton Holt Medal presented by Rollins College in recognition of, "A neighbor and friend, whose talents have given shape and character to our campus for nearly four decades." He was granted honorary alumnus status by both Rollins College (1986) and the University of Central Florida (1976). Rogers was given the Winter Park Chamber of Commerce's Outstanding Citizen Award in 1986. James Gamble Rogers II work set high standards for excellence in design and authentic detail and materials in his interpretations of romantic Revival styles. In their book, MacLane and Alderson described him as an image-maker for the town of Winter Park; contributing to a well-planned, aesthetically pleasing character for the then young city, which is now known nationwide. His surviving Winter Park buildings are valuable resources for Winter Park. He practiced in central Florida until his death in 1990.

**Dr. and Mrs. Udolpho Bradley** Dr. Bradley (1900-1968) was a popular Professor of History and crew coach at Rollins College from 1933 to 1964, leaving briefly to serve as a Lieutenant Commander in the Navy during World War II. A 1923 Princeton graduate, He married Cecile Robinson in 1926 and they had three daughters. Dr. Bradley was considered the "Dean of American Rowing Coaches". He was awarded the Rollins Decoration of Honor in 1949 for his contribution to the College as both a professor and a coach. Dr. Bradley died in 1968. The Rollins College U.T. Bradley Boathouse on Lake Maitland was dedicated in his memory in 1975.
Physical Description. 1243 Alberta Drive is a two-story, four part plan Colonial Revival house with a rambling asymmetrical façade. Typical of his creative style, Rogers used a very free interpretation of original colonial prototypes in his design. The primary façade has a side-gabled roof, which is flanked with chimneys at either end. The front elevation has regular fenestration and is painted brick. The back and sides of this mass are covered with horizontal clapboard. Three gabled wall dormers break the roofline of this element. The entrance is centrally located. The door is recessed into a paneled opening. Originally, a segmental pediment decorated the entrance. Now the entrance is under a front-gabled entry porch supported with fluted square columns. The site is on Lake Osceola at the end of one of Winter Park's residential brick streets. The sloping back yard features a terraces and a swimming pool.

The left (west) wing and the garage wing to the east were replaced with larger wings with Historic Preservation Board approval in 2001. The additions were in keeping with the style of the house.

Certificate of Review Request. The applicants are requesting approval for a front facing 275 square foot single car carport on the right (east) side of the house. The carport would be open on the side and have a solid double gate on the facade that coordinates with the existing garage doors. The carport would have a shed roof pitched to the right. The carport would be adjacent to the existing garage and recessed from the front elevation of the house. A variance for a side setback of 5 feet 11 inches is requested in lieu of the required 15 feet. The house is at the end of Alberta Drive which terminates at a large lakefront property at 1301 Alberta Drive. That property is also on Lake Osceola but the building is set well back from the Brown residence. A hedge separates the right (east) side of the Brown property from the adjacent property.

The Secretary of the Interior’s Standards for Rehabilitation recommend constructing a new addition so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged or destroyed. The Standards recommend placing a new addition on a non-character defining elevation and limiting the size and scale in relationship to the historic building.

RECOMMENDATION: Approval is recommended subject to Historic Preservation Board review.
# Setback/Coverage Worksheet

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

**Address:** 1243 Alberta Drive, M.P.  
Lot width²: 123.05'  
Lot area³: 22,300 S.F.

**Submitted by:** STEVE FELLER, ARCHITECT

<table>
<thead>
<tr>
<th>IMPERVIOUS LOT COVERAGE</th>
<th>Maximum % Allowed⁴</th>
<th>Existing Area¹⁰</th>
<th>Additional Proposed Area¹⁰</th>
<th>New Total Area</th>
<th>Maximum Allowed Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, etc.</td>
<td>2 story - 50%</td>
<td>4,590 SF</td>
<td>3,065 SF</td>
<td>7,655 SF</td>
<td>11,150 SF</td>
</tr>
<tr>
<td>1 story - 60%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots &lt; 11,600 sf:</td>
<td>Use 38% Base FAR or w/ increased side setbacks: 43% Max FAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots 11,600 sf to 13,600 sf</td>
<td>Use 4,500 sf Base area &amp; 5,200 sf Maximum area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots &gt; 13,600 sf</td>
<td>Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR</td>
<td>6,416 SF</td>
<td>275 SF</td>
<td>6,691 SF</td>
<td>7,357 SF</td>
</tr>
</tbody>
</table>

**SCREEN POOL ENCLOSURE**  
8%⁸

**FRONT YARD LANDSCAPE COVERAGE**

<table>
<thead>
<tr>
<th>Minimum % Required</th>
<th>Existing Area¹⁰</th>
<th>Landscape Area Reduced¹⁰</th>
<th>New Total Area</th>
<th>Minimum Required Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious &amp; impervious)</td>
<td>50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Lot Area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**

1. Windsor & Waterbridge may use these standards, except lot types A, B, & C in Windsor. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setbacks described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof dormers, 8 ft maximum width and 2.5 ft back from the required setback, occupying 45% of roof area within the same roof plane.
6. See page 3 on how to achieve maximum F.A.R.
7. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
8. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to be utilized at 300 sf of the total 500 sf allowable gross floor area. Utilizing this exception requires a deed covenant to be recorded, outlining the restrictions precluding the enclosing of side and/or rear porches, and enclosing and screening of front porches.
9. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
10. These columns only apply to existing homes.

**(Feb 2013) PAGE 1**
# Setbacks (Complete boxes A and B first)

<table>
<thead>
<tr>
<th><strong>Minimum Allowable Dimensions</strong></th>
<th><strong>Existing</strong></th>
<th><strong>Proposed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.</td>
<td>16.04'</td>
<td>27'</td>
</tr>
<tr>
<td>1st Floor</td>
<td>See pages 3&amp;4</td>
<td>17.44'</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td><strong>Sides</strong>&lt;sup&gt;1,2&lt;/sup&gt; (see other side setback options on pg 4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>25 ft</td>
<td></td>
</tr>
<tr>
<td>2nd Floor</td>
<td>35 ft&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>Lakefront</td>
<td></td>
<td>34&lt;sup&gt;L&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>Rear</strong>&lt;sup&gt;1,3,4&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>Lot width ≤ 65 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>Lot width &gt; 65 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Lakefront</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Corner Lot</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>Lot width ≤ 65 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>Lot width &gt; 65 ft</td>
<td>22.5 ft</td>
</tr>
<tr>
<td><strong>Building Height</strong>&lt;sup&gt;5,9,10,11,12&lt;/sup&gt;</td>
<td>30 ft - 35 ft plus 2 ft or 40 ft (see notes 11 &amp; 12)</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. Any building wall that exceeds 12 ft in height measured from natural grade to top of wall plate or truss inner wall must meet the setbacks for the 2nd floor.
2. Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft minimum (no gable end allowed) for garages up to 800 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft in width may be 10 ft.
4. Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. Other accessory buildings used for habitation shall meet setbacks of the main residence.
5. The rear setback may be reduced to 25 ft for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft. max height of a typical one-story structure.
6. Require Planning & Zoning commission approval. Lakefront setback is based on the average setback establish by the adjacent residences within 200 ft or 50 ft whichever is greater, measured from ordinary high water line.
7. Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft on each floor.
8. Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building. No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 6:12 or greater may be permitted to have 2 ft additional building height.
9. Accessory building that exceeds 19 ft in height shall meet the same setbacks as the principal building on the property.
10. Properties or lots with at least 30 ft. of width at the building line are permitted to have a building height of 35 ft if the side setbacks are increased to 20 ft at 30 ft above the side lot line. Exception: homes with a roof slope of 6:12 or greater are permitted 2 ft of additional building height.
11. Properties or lots exceeding 50,000 sq. ft. in size with at least 100 ft width at the building line may be permitted building heights of 40 ft if side setbacks are increased to 35 ft to the portion of the roof over 30 ft in height.
OSCEOLA SUMMIT

DESCRIPTION
Lots 15 and 16 of Section 7 T25N R68W of Osceola
County, Florida

ENGINEER'S CERTIFICATE

Dated: December 1, 1947

C. E. W. Cole, Civil Engineer

Lake Osceola

Dyer Avenue

Oviedo Avenue

Note: Elevations and angles are approximate and should be checked.

Certified by:

[Signature]

[Stamp]

Page 1 of 1
Louis H. Brereton Residence  
[960 Keyes Avenue?] – NO  
[420 Sylvan Drive?] – ✔ 1950  
Winter Park, 1952

General Brett Residence  
Orlando, 1946

Brewer Estate Alterations to The Palms  
(now known as Trisman Terrace)  
Winter Park, 1937

Mrs. A. L. Bridgers Residence  
Altamonte Springs, 1951

Ervin Theodore Brown Residence  
250 Virginia Drive  
Winter Park, 1939

U. T. Bradley Residence  
AS BUILT 1936
Historic Preservation Ordinance Review Discussion: Demolition Process

Once a historic property is demolished, there is no opportunity in the future to bring it back. Recognized historic properties represent only about 8% of the residential and commercial buildings in the city so demolition should be thoughtfully considered, and the burden to any affected property owners weighed against the community good in the long term. The following outline is for clarification of the staff comments for HPB discussion from the December 2 HPB work session:

Current city-wide demolition process —
   a. All demolition applications are routed to the HPB staff liaison.
   b. Demolition applications for properties that have been designated in the Winter Park Register of Historic Places either individually or in historic districts are routed to the HPB for a public hearing under the existing Certificate of Review process.
   c. All other properties proceed with the existing demolition process outlined in the permit application packet.

Amendments for discussion —
1. Demolition permits for structures:
   a. With a Florida Master Site File,
   b. That are listed in the National Register of Historic Places either individually or that are a contributing element in a NRHP listed district, or
   c. Are 50 years old or older;

2. May (not shall) be issued for 120 days (period used in Sarasota and Gainesville) unless staff finds that:
   a. The structure is not in or adjacent to a potential historic district as identified in the survey,
   b. The structure is not a landmark identified in the survey,
   c. Is not a landmark structure in that it does not have architectural distinction, or recognized vernacular building pattern, or
   d. Does not have an association with a historic event or person.
   e. The structure has been damaged with more than 50% of the structure affected.

If staff doesn’t find one of the above “outs”, then the 120 day delay is imposed and the application goes to the HPB for a public hearing.
   a. The HPB may find no cause to impose the delay and may issue the permit with conditions if the board wishes to apply conditions.
b. The HPB may waive the delay if the applicant demonstrates economic hardship, using the evidence requirements the state recommends or are used by other agencies.

c. Under that claim, the HPB may waive the delay if, based on a qualified report, it is not feasible to keep or restore the structure to useable condition.

d. HPB may approve the permit with the delay imposed in order to record the site for future research.

e. HPB may approve the permit with the delay imposed with an architectural salvage condition.

f. HPB may impose the delay for the board and owner to explore options to avoid demolition.

g. HPB may deny the application, and this is not a taking provided:
   a. There is a reasonable use of the property, for example a house is or can be made livable or a property could be preserved and adapted for a reasonable use.
   b. There is a reasonable economic return on the property.

The details about the evidence requirements for economic hardship would be included in the HP ordinance. The requirements have been used by other cities and have not been found to be a burden if an applicant chooses to make such a claim. The HPB is a quasi-judicial board and must have the evidence it needs to make a decision.

Applicants who wish to appeal a decision by the HPB can appeal to the City Commission, but must present the same evidence and be able to justify why the HPB decision was wrong based on fact— not just that they didn't get the outcome they wanted.
FLORIDA HISTORIC PRESERVATION LAW

AND MODEL HISTORIC PRESERVATION ORDINANCE

Economic Hardship

Timothy McLendon
University of Florida College of Law
Center for Governmental Responsibility

Foreword by E.L. Roy Hunt
Distinguished Service Professor of Law
University of Florida College of Law

September 1995
Economic hardship. 50

If the owner claims economic hardship, the Board may require the following information from the owner before deciding on any application:

1. An estimate of the cost of proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred in order to comply with the recommendation of the Board for changes necessary for the issuance of a Certificate of Appropriateness.

2. 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.

3. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the preservation board; and, for proposed demolition, after renovation of the existing property for continued use.

4. In the case of proposed demolition, an estimate from an architect, developer, licensed contractor, appraiser, or real estate consultant as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

5. The means by which the property was acquired (whether purchase, gift, or inheritance), the amount paid for the property and the date of purchase or acquisition.

For income-producing property, the Board may also require the following additional information:

6. The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

7. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

8. All appraisals obtained within the previous two years in connection with the purchase, financing or ownership of the property.

9. Any listing of the property for sale or rent, the price asked, and any offers received within the previous two years.

10. The assessed value of the property according to the two most recent assessments.

50The inclusion of an economic hardship provision is important protection against takings challenges. The purpose of the provision is to ensure that an owner is left with some economically viable land use, and further, to ensure that an owner claiming hardship can demonstrate this. The existence of demonstrated hardship would be a condition precedent for granting a variance, or providing economic assistance. See, e.g., ATLANTA, GA., CODE ch. 20, § 16-20.008(d)(2)b; SAN ANTONIO, TEX., CODE art. VIII, 35-436.1; TUCSON, ARIZ., CODE art. I, § 23-455.7.C.2; GAINESVILLE, FLA., CODE § 30-112(d)(6)e. See generally RICHARD J. RODDEWIG & CHRISTOPHER J. DUERKSEN, Responding to the Takings Challenge: A Guide for Officials and Planners 24-26 (American Planning Ass’n Planning Advisory Serv. Rep. No. 416, 1989); RODDEWIG, supra note 2, at 25-28.
11. Real estate taxes paid on the property for the previous two years.
12. The ownership of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
13. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the Board to determine whether the property does or may yield a reasonable return to the owners.

Decision of the Board.
The Board shall apply the appropriate criteria for reviewing applications for a Certificate of Appropriateness, and any accompanying information. After review of the application, the Board shall take one of the following actions at the public hearing, or no later than 45 days after the hearing:

1. grant the Certificate of Appropriateness with an immediate effective date;
2. grant the Certificate of Appropriateness with special modifications and conditions;
3. grant the Certificate of Appropriateness with a deferred effective date, which date shall not exceed six months from the date of issuance; or
4. deny the Certificate of Appropriateness. Denial of a Certificate of Appropriateness will be accompanied by a written statement of the Board describing the public interest and reasons for the denial.

Failure to decide.
Failure of the Board to decide on an applied for Certificate of Appropriateness within the set time limits shall constitute approval of the application.51

Required maintenance.
The Board, on its own initiative, may file a petition with the building inspector requesting that officer to require correction of defects or repairs to any designated structure so that such structure shall be preserved and protected.52

51 Cf. Atlanta, Ga., Code ch. 20, § 16-20.008(c)(6); Gainesville, Fla., Code § 30-112(d)(6)(h).

52 This section may be expanded as, for example, in Tucson, Arizona, which provides:

Maintenance.
A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.
B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of
Sec. 58-479 GUIDELINES FOR DEMOLITION

(6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

(c) As a condition of issuing a certificate of review for demolition the board may require that all building permits for a replacement structure be submitted and approved by the Building and Permitting Services Department or its designee.

(c) As a condition of issuing a Certificate of Review for demolition, the board may require, at the applicant’s expense, salvage and preservation of significant building materials, architectural details and ornaments. The board may also require at the applicant’s expense the recording of the structure for archival purposes prior to demolition. The recording may include but shall not be limited to, photographs and measured drawings.

(e) Applications for the issuance of a certificate of review for demolition shall require the following with the burden of proof to be on the applicant:

1. A report from an architect or structural engineer licensed in the State of Florida with demonstrated experience in restoration, rehabilitation or renovation as to the structural soundness of the building and its adaptability for rehabilitation and continued use.

2. Proof of unreasonable or undue economic hardship if the applicant makes that claim. In any case where an undue economic hardship is claimed by a property owner, the property owner may submit to the board any or all of the following information before the board makes a decision on the application for a Certificate of Review for demolition:

A. An estimate of the cost of proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred in order to comply with the recommendation of the board for changes necessary for the issuance of a Certificate of Review;

B. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; and after renovation of the existing property for continued use;

C. An estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;

Comment [15]: This helps to ensure that the City does not lose property value if a lot sits vacant and that redevelopment proposal meet all other city codes.

Comment [16]: Architectural salvage companies buy these materials for reuse.

Comment [17]: For landmark and unique buildings this would provide research materials for the future.

Comment [18]: Applicants should be given an opportunity to demonstrate a legitimate economic hardship and/or that the building isn’t structurally sound to the extent that continued use isn’t feasible. This is an important protection against takings claims and may also justify granting a variance, conditional use or economic assistance. The Florida model preservation code and several cities use comparable text.
D. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

F. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

F. Any listing of the property for sale or rent, price asked and offers received if any within the previous two (2) years;

G. The assessed value of the property according to the two most recent assessments;

H. The real estate taxes for the previous two (2) years;

I. The form of ownership or operation of the property, whether an individual, sole proprietorship for profit or not-for-profit corporation, limited partnership, joint venture or other, and the means by which the property was acquired whether purchase, gift, inheritance, and the amount paid for the property and the date of purchase or acquisition in that case;

J. In the case of income producing property, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

K. Any other information considered necessary by the board to make a determination as to whether the property does yield or may yield a reasonable return to the property owner. The board may require that the property owner furnish such additional information as the board believes is relevant to the board’s determination of any alleged undue economic hardship. In any case where undue economic hardship is claimed, the board shall make two (2) specific findings. First the board shall determine if the owner would be entitled to a Certificate of Review for demolition without consideration of undue economic hardship. Second, the board shall determine whether the owner demonstrated an undue economic hardship.
however, that where a special zoning district is established which also controls land usage, the designation of land usage is held to be a legislative function that cannot be delegated to an administrative body, but must be reserved to the local governing body. For this reason, the overlay district, which permits designation and administration by a preservation board, may be preferable.

Savannah, Georgia distinguishes zoning from historic preservation regulations in its ordinance, and provides for their interrelationship:

The Historic District regulations are intended to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the Historic District. In all zoning districts within the boundaries of the Historic District, the regulations for both the zoning district and the Historic District shall apply. Whenever there is conflict between the regulations of the zoning district and the regulations of the Historic District, the more restrictive shall apply.\(^{12}\)

Establishment of Preservation Board.

1. There is established a Preservation Board.

2. Membership.
   The Board shall consist of five members to be appointed by the [Mayor/City Council/County Commission].\(^{13}\) Members shall serve without compensation, but shall be reimbursed for actual expenses.

3. Qualifications.
   Members of the Board shall be residents of [City/County],\(^{14}\) and have demonstrated civic pride and interest. One member of the Board shall be a registered architect.

\(^{12}\)SAVANNAH, GA., CODE § 8-3029(d).

\(^{13}\)See Florida Certified Local Government Guidelines, Part B.2.a, [hereinafter Fla. CLG Guidelines] which mandates that local preservation boards have at least five members (or at least three members for communities having less than 10,000 population).

\(^{14}\)Cf. RALEIGH, N.C., CODE § 10-1052(a) (providing that at least one third of the members of the Historic District Commission shall either reside in or own property within the historic district).
Where possible, other members shall have experience, expertise or demonstrated interest in one of the following areas: 1) architecture; 2) history; 3) architectural history; 4) archaeology; 5) urban planning; 6) historic preservation; 7) real estate; 8) law; 9) cultural anthropology; 10) building construction; or related fields.\footnote{Where the community does not have sufficient persons with the necessary qualifications or willingness to serve on the Preservation Board, some persons on the board can be lay persons on the board with special interest in or knowledge of history, architecture or related disciplines.}

4. Terms of Office.
Members of the Board shall serve for a term of five years, which shall be staggered; except, however, for initial appointees, one member shall serve for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year. Members shall continue in office until the appointment of a successor. Members appointed to fill a vacancy shall serve the remainder of the unexpired term. Members may be re-appointed on the expiration of their term.

5. Officers.
Members of the Board shall elect a Chairman from among the members who have served at least one year.

6. Vacancies.
Vacancies on the Board caused by expiration of a term or resignation, removal, death, or permanent absence from the [city/county], or by incapacity of a member, shall be filled by appointment within 60 days.

7. Removal.
Members may be removed from the Board for good reason by a vote of the [City Council/County Commission]. If a member is absent from two of three consecutive regular meetings without cause, and without prior approval of the chairman, the Board shall declare the member’s office vacant, and petition the [Mayor/City

\footnote{See id., Part B.2 and Appendix A (concerning professional qualifications for preservation board members where possible). Jacksonville bases its qualifications requirement specifically on the CLG Guidelines. See JACKSONVILLE, FLA., CODE ch. 76, § 76.102(b). Note that these qualifications can and should reflect local abilities and expertise. See, e.g., BALTIMORE, MD., CODE art. 1, § 40(c)(1) (providing that three members of the 11-member local preservation commission should be nominated by the boards of trustees of three local museums, and one member should be nominated by the Council of the Maryland Historical Society); MASS. LAWS ch. 772, § 3 (providing that alternate members to the Boston Landmarks Commission should be nominated by the Society for the Preservation of New England Antiquities).}
b. Appointments shall be made by the appropriate local official of the jurisdiction concerned.

c. To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available in the community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.

d. Commission members should be residents of the jurisdiction for which they serve.

e. Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.

f. The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.

g. Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.

h. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.

i. Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.

j. The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions)
neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, neighborhoods and sites with such actions and procedures as otherwise provided for in this chapter.

Division II. HISTORIC PRESERVATION COMMISSION

Section 58-436. Establishment of the Commission

There is hereby established a Historic Preservation Commission (HPC) of the City of Winter Park.

Section 58-437. Membership

(1) The HPC shall consist of five members and one alternate to be appointed by the Mayor and confirmed by the City Commission. The alternate will sit in the absence of a regular member and will vote in the absence of that member. Members shall serve without compensation but shall be reimbursed for actual expenses subject to the prior approval of the City Commission.

(2) Qualifications: a) Members of the HPC be residents of the City and shall have demonstrated civic pride, interest in historic preservation, and the knowledge, experience, and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. b) At minimum, one member shall be an architect. c) Other members may have experience, expertise or demonstrated interest in one or more of the following areas: 1) architecture; 2) history; 3) architectural history; 4) archaeology; 5) urban planning; 6) landscape architecture; 7) historic preservation; 8) real estate; 9) law; 10) cultural anthropology; 11) building construction; or related fields.

(3) Voting: A quorum shall consist of three (3) HPC members. An affirmative vote of three HPC members shall be necessary for the adoption of any motion thereof. A quorum shall include the vote of the alternate when the alternate is voting for an absent member.

(4) The HPC may appoint advisory members. Advisory members will not vote. They may be appointed to represent historic districts or neighborhoods and/or to provide specific areas of expertise not met by voting members. The advisory members do not need to be residents of Winter Park.

(5) The City shall provide the HPC with administrative staff and fiscal support subject to budgetary approval by the City Commission. The City Attorney shall serve as legal counsel to the HPC in all matters.

Section 58-438. Terms of Office

Members of the HPC shall serve for a term of three years which shall be staggered; except, however, for initial appointees, when two members shall serve for a term of three years, two members for a term of two years, and one member for a term of one year. Members shall continue to serve in office until the appointment of a successor. Members appointed to fill a vacancy shall serve the remainder of the unexpired term. Members may be re-appointed on the expiration of their term with a two-term limit.
Restoration means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Standards for Rehabilitation (36 CFR 67) as revised in 1990 means the standards provided by the National Park Service and the Secretary of the Interior that provide guidance on the sensitive rehabilitation of a historic property. The standards generally address issues that include; character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with a historic property.

(Ord. No. 2688-06, § 1, Exh. A(58-434), 10-9-06)

Sec. 58-435. Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

(Ord. No. 2688-06, § 1, Exh. A(58-435), 10-9-06)


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Section 58-441. - Establishment of the Commission. [Qualifications]

There is hereby established a Historic Preservation Commission (HPC) of the City of Winter Park.

(1) At minimum, one member of the HPB shall be an architect.
(2) Other members may have experience, expertise, or demonstrated interest in one or more of the following areas:
   a. Architecture;
   b. History;
   c. Architectural history;
   d. Archaeology;
   e. Urban planning;
   f. Landscape architecture;
   g. Historic preservation;
   h. Real estate;
   i. Law;
   j. Cultural anthropology;
   k. Building construction or related fields.

Section 58-442. - Membership Reserved.

(a) Members—The HPC shall consist of five members and one alternate to be appointed by the mayor and confirmed by the city commission. The alternate will sit in the absence of a regular member and will vote in the absence of that member. Members shall serve without compensation but shall be reimbursed for actual expenses subject to the prior approval of the city commission.

(b) Qualifications:

(1) Members of the HPC be residents of the city and shall have demonstrated civic pride, interest in historic preservation, and the knowledge, experience, and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources.
(2) At minimum, one member shall be an architect.
(3) Other members may have experience, expertise, or demonstrated interest in one or more of the following areas:
   a. Architecture;
   b. History;
   c. Architectural history;
   d. Archaeology;
   e. Urban planning;
   f. Landscape architecture;
   g. Historic preservation;
   h. Real estate;
   i. Law;
   j. Cultural anthropology;
   k. Building construction or related fields.

(e) Voting: A quorum shall consist of three (3) HPC members. An affirmative vote of three HPC members shall be necessary for the adoption of any motion thereof. A quorum shall include the vote of the alternate when the alternate is voting for an absent member.