

Historic Preservation Board



September 9, 2015 at 9:00 a.m.

Commission Chambers • City Hall Second Floor
401 South Park Avenue • Winter Park, Florida

1 administrative

Call to order.

Approval of minutes from August 12 and August 19, 2015.

Public comments on any business not appearing under action.

2 action

Review and accept draft revisions to Chapter 58, Article VIII, "Historic Preservation", including amendments from Wednesday, August 19, 2015 in preparation for public input.

Update of the historical preservation review process as assigned.

3 adjourn

12:00 p.m. Tuesday, September 22, Planning & Zoning Board work session review (Commission Chambers)

9:00 – 11:00 a.m. and 5:00 – 7:00 p.m. Wednesday, October 7, historic preservation ordinance forums (Commission Chambers)

5:00 pm Wednesday, October 9, ordinance final review (Commission Chambers)

November 9 City Commission meeting

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."

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE CREATION OF HISTORIC DISTRICTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida ("City"), recognizes that the City has within its jurisdiction a significant number of historic resources, structures and properties; and

WHEREAS, the City Commission recognizes that the identification, protection, enhancement and use of such resources provides a public purpose; and

WHEREAS, the City Commission recognizes that these historic resources, structures and properties constitute valuable assets that contribute to the charm and appeal of the City and create a unique environment for both residential and commercial pursuits, thereby providing significant and substantial economic benefit to the City; and

WHEREAS, the City Commission wishes to take advantage of all state and federal policies and programs for assistance and grants for the study, preservation, rehabilitation or restoration of historic buildings, districts and sites for the benefit of the public; and

WHEREAS, the City Commission desires that more property owners seek voluntary designation of their properties as historic landmarks or historic resources; and

WHEREAS, the City Commission desires that more property owners in areas with a concentration of historic landmarks or historic resources, seek designation of their areas as historic districts, through the use of the procedures set forth herein; and

WHEREAS, the City Commission desires to implement additional economic incentives to encourage owners of historic structures to seek voluntary designation of such structures as historic landmarks or historic properties, or designation of their neighborhoods as historic districts; and

WHEREAS, the regulations herein are consistent with the City's Comprehensive Plan; and

WHEREAS, the City Commission desires to encourage the preservation and restoration of the City's historic resources, structures and properties for the benefit of the public:

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article VIII "Historic Preservation" of the Code of Ordinances is hereby amended and modified as shown in Exhibit A (ATTACHED).

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

SECTION 4 - CONFLICTS. All ordinances or portions or ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5 – EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2015.

Mayor

ATTEST: City Clerk

EXHIBIT A

ARTICLE VIII. - HISTORIC PRESERVATION FOOTNOTE(S):

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Editor's note— Ord. No. 2688-06, § 1, adopted Oct. 9, 2006, amended Art. VIII in its entirety to read as herein set out. At the editor's discretion, the provisions of Ord. No. 2675-06 have been renumbered to preserve the style of this Code and the original section numbers have been included in the history notes for future reference. Former Art. VIII, §§ 58-433—58-459, 58-463—58-470, 58-476—58-482, pertained to similar subject matter, and derived from Ord. No. 2425-01, § 1, adopted June 28, 2001; Ord. No. 2446-01, § 1, adopted Nov. 13, 2001.

DIVISION 1. – GENERALLY

Sec. 58-433. - Short title; intent and purpose.

- a. *Short title.* This article shall be cited as the Winter Park Historic Preservation Code.
 - b. *Intent and purpose*
- (1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.
 - (2) It is the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation to achieve the following objectives:
 - a. Safeguard the heritage of the city by encouraging the preservation of historic resources representing significant elements of its history;
 - b. Enhance the visual character of the city by encouraging the preservation of these buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
 - c. Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
 - d. Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;
 - e. Promote the private and public use of historic resources for the education, prosperity and general welfare of the people; and
 - f. Stabilize and improve property values within the city.
 - (3) In addition, the provisions of this article will assist the city and private property owners to be eligible for federal tax incentives, federal and state grant funds, property tax abatement, and any other incentive programs for the purpose of furthering historic preservation activities.

(Ord. No. 2688-06, § 1, Exh. A (58-433), 10-9-06)
Sec. 58-434. - Definitions.

The following words, terms and phrases, as used in this article, shall have the meanings set forth below except where the context clearly indicates a different meaning.

Addition means a construction project physically connected to the exterior of an historic building or that increases the gross floor area of the building.

Administrative review means the Historic Preservation Board staff may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the board and based upon the standards in section 58-469 to an individually designated property or property located in a designated historic district. Staff is not required to grant this review and may require review by the board. If the applicant wishes to appeal staff's decision, a complete certificate of review application for the project will then be placed on the historic preservation board agenda.

Alteration means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving exterior changes, or any such changes in appearance in a designated historic property or designated historic site. In designated local historic districts, alterations shall be in keeping with the design guidelines established for the district per section 58-457(2) (b) (5).

Applicant means a property owner or owners who provide(s) sufficient written information to the city to ascertain that their property potentially meets the minimum eligibility requirements for local historic designation, or who is applying for a certificate of review.

Archaeological site means a single specific location that has yielded, or based on previous research is likely to yield, information on local history or prehistory.

Certificate of review means the process by the Winter Park Historic Preservation Board allowing an applicant to proceed with approved exterior alterations, additions, relocation, new construction, or demolition of, or other work to, a designated historic landmark building, historic resource, historic site or property in a historic district, following a determination of the proposal's suitability to applicable criteria.

City means the City of Winter Park.

Contributing element means a building or structure that contributes to the historic significance of a district, which by location, design, setting, materials, workmanship, feeling, and/or association adds to the district's sense of time, place and historic development and meets two or more of the National Register of Historic Places base criteria set forth in section 58-456(1).

Demolition means an act or process that destroys or razes, in whole or in part, a building structure or site, including a building within a district, or which permanently impairs its structural integrity.

Florida Master Site File means the State of Florida's official inventory of historical and cultural resources. Categories of resources recorded at the Site File include archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts. The Site File also maintains copies of archaeological and historical survey reports and other manuscripts relevant to history and historic preservation in Florida.

Historic district means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, resources, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as an historic district pursuant to procedures described in this article. Such district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks or resources, nevertheless contribute to the overall visual character of the district.

Historic landmark means buildings, structures, or sites of specific and exceptional historic or aesthetic significance to the city, state or nation. Historic landmarks may be associated with historic personages or events or embody exceptional architecture, or may be the work of a master designer or architect.

Historic Preservation Board (HPB) means the City of Winter Park Historic Preservation Board as created by sections 58-445 and 58-446.

Historic resource means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site that is of historical, architectural or archaeological value.

Historic survey means the results of a systematic process determined by the Historic Preservation Board to identify significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historic Resources in Tallahassee, Florida.

Improvement means any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade object constituting a physical betterment of real property or any part of such betterment.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Non-contributing element means a building or structure located within the boundaries of a historic property or district that does not contribute to the historic significance of the district or property by virtue of its age, location, design, setting, materials, workmanship, feeling, and/or association.

Ordinary repairs and maintenance means any:

- (1) Work done on any improvement, which does not involve a change of design,

appearance or material.

- (2) Replacement of any part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration, decay of, or damage to such improvement or any part thereof and to restore the same as nearly as may be practicable to its condition prior to the occurrence of such deterioration, decay or damage.

Property means land and the buildings and improvements on it.

Property owner means the individual or entity in possession of title for land and the buildings and improvements on it.

Reconstruction means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

Rehabilitation means the process of repairing or altering a historic building so that an efficient contemporary use is achieved, while preserving those significant historical, architectural or cultural features that establish the character of the property.

Relocation means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.

Renovation means the act of making changes and repairs so that a historic structure is back in good condition.

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 periodically revised 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)

Secs. 58-436—58-440. - Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 2843-11, § 3.b.A, adopted June 13, 2011, amended Div. 2 in its entirety to read as set out herein. Former Div. 2, §§ 58-441—58-446, pertained to historic preservation commission and derived from Ord. No. 2688-06, § 1, Exh. A (58-437—58-441), adopted Oct. 9, 2006.

DIVISION 2. - HISTORIC PRESERVATION BOARD

Secs. 58-441—58-444. - Reserved.

Sec. 58-445. - Establishment of historic preservation board.

There is hereby established pursuant to sections 2-46 through 2-49 and section 2-59, a historic preservation board (HPB). This board shall operate and be controlled pursuant to the provisions in sections 2-46 through 2-49 and section 2-59.

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Sec. 58-446. Qualifications.

Members of the HPB 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. The board shall be comprised of seven (7) members and one (1) alternate, all of whom must be city residents.

- a. One member shall be a licensed architect.
- b. One member versed in local history.

Sec. 58-447 - Functions, powers and duties of the historic preservation board.
The HPB shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

- (1) Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.
- (2) Identify potential historic landmarks, historic resources and potential historic

districts for designation; and provide assistance to, and education of, owners of properties for potential designation;

- (3) Develop and maintain a local register of historic places and review National Register of Historic Places nominations within the city;
- (4) Develop guidelines based upon the Secretary of the Interior's Standards for use in reviewing applications for certificates of review. The Secretary of the Interior's Standards for Rehabilitation as periodically revised will be used until local guidelines are developed and adopted by the HPB;
- (5) Review applications for certificates of review for individually designated landmarks and, resources, and contributing and non-contributing properties within designated districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement;
- (6) Approve variances that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;
- (10) Attend relevant educational meetings, workshops and conferences;
- (11) Adopt rules of procedure, which shall be reviewed annually and which shall be available for public inspection; and
- (12) Perform any other function that may be designated by the City Commission.

(Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Secs. 58-448—58-455. - Reserved.

DIVISION 3. - DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS

Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set

forth in Section 58-433- The eligibility of any potential historic landmark, resource or district shall be supported by meeting one or more criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance. Based on the National Register of Historic Places criteria for evaluation which require that:

- (1) A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:
 - a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. That are associated with the lives of persons significant in our past; or
 - c. That embody the distinctive characteristics of a type, period, or method of construction; or
 - d. That represent the work of a master; or
 - e. That possess high artistic values; or
 - f. That represent a significant and distinguishable entity whose components may lack individual distinction; or
 - g. Those have yielded, or may be likely to yield, information important in prehistory or history.

- (2) Historic districts must meet two or more of the criteria in section 58-456 (1) at the local, state or national level. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.
 - a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties... At least 50 percent of the sites, buildings, structures or objects in a historic district must meet two or more of the National Register of Historic Places criteria at the local, state or national level.
 - b. A district must be a legally definable contiguous geographic area and, where possible, should cover both sides of any street or comprise all the homes in any cul-de-sac or similar area and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic Places. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in Section 58-457(2). The boundaries should be defined by utilizing the parcels and lots as shown on the Orange County Property Appraiser's maps.
 - c. If the nomination for designation of a particular district pursuant to Section 58-457(2) below is unsuccessful, no district nomination including the selected area shall be presented for nomination for at least twelve months after the date the city notifies the proposed district's residents that the nomination has been

unsuccessful.

(Ord. No. 2688-06, § 1, Exh. A (58-442), 10-9-06)

Sec. 58-457. - Designation procedures.

Winter Park historic landmarks, resources and districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) *Designation of local historic landmarks and resources.*

- a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), who believes(s) that the property meets the criteria for listing as set forth in section 58-456. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s)
- b. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting.
- c. For each proposed designation of a historic landmark or resource, the City is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

(2) *Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, half of whom shall be owners of individually designated historic homes in the proposed district, or owners of contributing homes in the proposed district who believes that the district meets the criteria for listing as set forth in section 58-456. The nomination shall include a description of the proposed boundaries of the district, and a brief statement setting forth: (i) that at least 50% of the homes in the proposed district are individually designated historic homes or contributing homes; (ii) its historic, cultural, aesthetic or architectural significance, (iii) the specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and (iv) including the required petition representing the ownership of at least 20 percent of the properties within the proposed district

as described above. Designation of historic districts shall only be considered by the HPB subsequent to meetings with district property owners and actions as described in subsections b. and c. below.

- b. Prior to consideration of designation by the HPB, the city shall first determine if the proposed district meets the criteria for designation as set forth in the petition. If so, the city shall then prepare a historic designation report which shall analyze and report upon: 1) proposed boundaries, 2) contributing and non-contributing buildings and elements, 3) district goals, 4) design guidelines to include district alteration criteria, 5) effects of designation and 6) available incentives. The city shall then mail the report and other necessary information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The city shall then facilitate conferences with property owners within the nominated district to discuss the proposed district.

c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the nominated district as of that date. The report will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline will also be posted on the city's web site. Property owners of record will be polled, with each property representing one vote. Upon receipt of a favorable vote representing the ownership of a simple majority two-thirds of the properties within the nominated ~~proposed~~ district, a historic designation report shall be forwarded to the HPB recommending approval or disapproval of the nominated area as a historic district based upon the vote received and citing any other specific criteria for the decision.

- d. The nominated historic district shall have a historic designation report that shall be presented to the HPB at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation at least 15 days prior to the hearing.

- (3) Decision of the HPB: If, after a public hearing, the HPB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the City Commission along with the recommendation that the designation be approved. The historic landmark,

resource or district, shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the City Commission approving such designation.

- (4) A copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:
 - Planning and Community Development Department (all divisions)
 - Building and Permitting Services Department
 - Code Compliance Division
 - City Clerk
 - Public Works Department
 - Owners of the affected property and other parties having an interest in the property, if known
- (5) Following the published date of a public hearing before the HPB, no permits shall be issued by the building and permitting services department, except for permits that do not require the review of the HPB, for any new construction, exterior alterations, rehabilitation, restoration, renovation, addition, relocation, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:
 - The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
 - The historic designation is denied by the City Commission; or
 - The property owner has applied for an accelerated approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the City Commission deny the historic designation.
- (6) Historic landmarks, resources or districts shall be formed as an overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.
- (7) Should the City Commission deny the request for designation, it shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city web site.

(Ord. No. 2688-06, § 1, Exh. A (58-443), 10-9-06)

Secs. 58-458—58-465. - Reserved.

DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-466. - Purpose.

The purpose of the certificate of review process is to assist owners of historical landmarks or resources and owners in historic districts who plan to rehabilitate, restore or redevelop their property for contemporary use to achieve their goals and take advantage of incentive programs while preserving the historic character, architecture and materials, to the greatest extent possible.

(Ord. No. 2688-06, § 1, Exh. A (Div. IV), 10-9-06)

Sec. 58-467. - Pre-application conference.

Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant shall confer with the city HPB staff to obtain information and guidance. The purpose of such conference is to further discuss and clarify conservation objectives and design guidelines in cases that do not conform to established objectives and the Land Development Code. In no case shall any statement or representation made prior to the official application review be binding on the HPB, the City Commission or any city departments.

(Ord. No. 2688-06, § 1, Exh. A (58-444), 10-9-06)

Sec. 58-468. - Review requirement.

The HPB shall review and render a decision during an advertised public hearing on applications for certificates of review for any proposed new construction, exterior alterations, rehabilitation, restoration, renovation, addition, demolitions, or relocations of designated historic landmarks, resources, contributing and noncontributing resources within districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement in keeping with the design guidelines as set forth in section 58-457(2)(b)(5). The HPB may approve, approve with conditions or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-480, the provisions of this section shall still apply.

(Ord. No. 2688-06, § 1, Exh. A (58-445), 10-9-06)

Sec. 58-469. - Guidelines for review.

It shall be the intent of the HPB to preserve the exterior historic characteristics of the landmark, resource or district, and to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. Guidelines shall also serve as criteria for staff to make decisions, as permitted by the HPB, regarding applications for administrative certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised are generally the standards and guidelines by which applications for any certificate of review for historic buildings, sites, or districts are to be measured and evaluated. The HPB may recommend additional standards to preserve and protect special features unique to the city or may recommend amending any existing guidelines to the City Commission.
- (2) Variances to achieve the design review standards for historic preservation may be granted from the land development code requirements for the purposes of this ordinance, provided the variance does not negatively affect the character of the area and with good cause shown. These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, storm water retention, and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.
 - a. When a variance or exception is considered, the application shall comply with the notice standards listed in section 58-88(c)(2)
 - b. All variance requests through the HP certificate of review process shall be limited to properties with individual landmark, resource or historic district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that requires a variance.
 - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPB shall be taken to the City Commission after following the notice criteria of section 58- 88(c)(1) if filed within 15 days of the date of the decision by the HPB.
- (3) The HPB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, or on properties in a designated historic district.
 - a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage.
 - b. Building setbacks shall be determined by the HPB, however no garage apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such setback currently exists, or may be in a required front setback.
 - c. It is desirable that garage apartments or accessory cottages not exceed 750 square feet of living area. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property.
 - d. Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may utilize a separate

electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.

- e. Tenants must be provided on-site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on-site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions may result in enforcement action by Code Compliance.

(4) Each designated historic district may adopt specific district guidelines for design review based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised to final approval by the HPB

(5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised.

(Ord. No. 2688-06, § 1, Exh. A (58-446), 10-9-06)

Sec. 58-470. - Forms.

Applications for certificates of review will be made on forms approved and provided by the HPB.

(Ord. No. 2688-06, § 1, Exh. A (58-447), 10-9-06)

Sec. 58-471. - Delegation of review authority.

The HPB may delegate the authority to appropriate staff members to review and grant administrative review without referral to the HPB and without a public hearing in the case of certain types of applications, which the HPB shall determine in advance.

(Ord. No. 2688-06, § 1, Exh. A (58-448), 10-9-06)

Sec. 58-472. - Administrative review

Based upon the standards for rehabilitation, the designation report, a complete application for a building permit, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for administrative review prior to the issuance of a building permit. The decision shall be based upon the standards in section 58-469(1). The findings of the city shall be mailed to the applicant within three days of the city's decision accompanied by a statement in full regarding the decision unless delivered in person. The applicant shall have an opportunity to challenge the decision to deny the application by applying for a certificate of review within 15 days of the findings.

(Ord. No. 2688-06, § 1, Exh. A (58-449), 10-9-06)

Sec. 58-473. - Certificates of Review.

- (a) An applicant for a certificate of review whether for new construction, exterior alteration, rehabilitation, restoration, renovation, addition, demolition, or relocation shall submit an application to the HPB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPB to fully describe the proposed appearance, materials and architectural design of the building(s), other outbuildings and site plan. The application shall include floor area ratio, impervious lot coverage and height and setback calculations as well as landscape and hardscape plans if applicable. The applicant shall provide adequate information to enable the HPB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.
- (b) In the event that the applicant is requesting a certificate of review for demolition, the HPB shall be provided with the details for the proposed disposition of the site. The HPB may require architectural drawings, financial plans or other information regarding any proposed new construction. Proposed demolitions shall be reviewed subject to the considerations in section 58-479.
- (c) The HPB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least 13 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval. Upon the request of the property owner, staff may administratively extend the approval for an additional year. After two years, the property owner may request an extension from the HPB.

(Ord. No. 2688-06, § 1, Exh. A (58-450), 10-9-06)

Sec. 58-474. - Decision of the board

The decision of the HPB shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPB finds appropriate. The decision of the HPB shall include a complete description of the reasons for such findings and details of the public interest that is sought to be preserved and shall direct one or more of the following actions:

- (1) Issuance of a certificate of review for the work proposed by the applicant; or
- (2) Issuance of a certificate of review with specified modifications and conditions or;
- (3) Issuance of a certificate of review with recommendations for zoning required ~~to~~ for the preservation of the building or site and those recommendations shall be placed on the consent agenda of the soonest possible planning and zoning board meeting
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a certificate of review with a deferred effective date of up to 12 months from the date of the HPB's decision at a public hearing in cases of demolition or moving of a significant building.

(Ord. No. 2688-06, § 1, Exh. A (58-451), 10-9-06)

Sec. 58-475. - Time limit.

The HPB shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPB.

(Ord. No. 2688-06, § 1, Exh. A (58-452), 10-9-06) Sec. 58-476. - Records.

The decision of the HPB shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPB or the HPB's designated staff representative to the applicant, and whatever its decision, notice in writing shall be given to the applicant, city clerk and the director of the planning and community development department. When an application is denied, the HPB's notice shall provide an adequate written explanation of its decision. The HPB shall keep a written record showing its action on each application considered.

(Ord. No. 2688-06, § 1, Exh. A (58-453), 10-9-06)

Sec. 58-477. - Appeals.

- (a) Any substantially affected party may appeal any decision of the HPB to the City Commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.
- ~~(b)~~ The appeal shall be heard by the City Commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The City Commission may affirm, modify or reverse the HPB's decision based upon the standards in section 58-469 and guidelines in section 58-

479. The decision of the City Commission shall constitute final administrative review. Appeals from decisions of the City Commission may be made to the courts having jurisdiction over the matter.

(Ord. No. 2688-06, § 1, Exh. A (58-454), 10-9-06)

Sec. 58-478. - Change in approved work.

The HPB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPB's staff finds that the proposed change does not materially affect the historic character or the proposed change is in accord with approved guidelines, it may issue a supplementary certificate of review for such change. If the proposed change is not in accordance with guidelines, standards, or certificate of review previously approved by the HPB, a new application for a certificate of review shall be required.

(Ord. No. 2688-06, § 1, Exh. A (58-455), 10-9-06)

Sec. 58-479. - Guidelines for issuance—Demolition, and construction, excavation or other disturbance in archaeological zones.

Demolition as used in this section, shall mean any act or process that destroys or razes in whole or in part, a building, structure or site, including a building within a district, or which permanently impairs its structural integrity.

(a) In addition to all other provisions of this article, the HPB shall consider the following criteria in evaluating applications for a certificate of review for demolition of designated properties and properties located within designated historic districts:

1. The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
2. The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
3. The structure is one of the last remaining examples of its kind in the city, the county, or the region.
4. The structure contributes to the historic character of a designated district.
5. Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
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.

(b) In cases where new construction, excavation, tree removal or any other activity

may disturb or reveal an identified interred archaeological site, the HPB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

(c) Properties subject to the provision of this section are:

1. Properties designated as historic properties;

2. Properties that are contributing homes with a designated historic district; or

3. Properties that are at least 65 years old and satisfy at least two of the following criteria as determined by staff:

i. The property is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark.

ii. The property is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.

iii. The property is one of the last remaining examples of its kind in the city.

iv. The property contributes substantially to the historic character of a designated historic district.

v. Retention of the property contributes substantially to the general welfare of the city by providing an opportunity for the study of local history, architecture or design.

(e) Should the property meet the criteria of (c)1, 2 or 3 above then, in addition to the time allotted for the consideration of demolition upon the submission of a request for demolition permit, an additional period of sixty (60) days shall be allowed for the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. During the consideration period, the HPB shall consider appropriate alternatives to demolition which shall include:

1. The feasibility of moving or relocating the structure;

2. The feasibility of purchasing the structure, either privately or through the use of public funds;

3. Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure;

or

4. The granting of limited variances to promote and protect the historic nature of the structure.

The inability to achieve the preservation of the structure through means as set forth above during the consideration period shall not act as a basis to deny a demolition permit. However, for good cause shown, and with the agreement of the property owner, the consideration period may be extended for an additional sixty day (60) day period.

(f) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to (e)3 and 4 above, the demolition permit shall be issued immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(Ord. No. 2688-06, § 1, Exh. A (58-456), 10-9-06)

Sec. 58-480. - Reconstruction of destroyed historic landmarks.

The loss of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the original building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-457), 10-9-06)

Sec. 58-481—58-489. - Reserved.

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 58-490. Incentives.

The City may adopt additional incentives applicable to designated historic landmarks, historic resources and/or properties in a historic district, including but not limited to fee discounts or grant programs, at its discretion.

Sec. 58-491. - National Register of Historic Places nominations.

The HPB shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

- (1) The City Commission, City Manager, Planning and Community Development department director, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-458), 10-9-06)

Sec. 58-492. - Certified local government performance.

The HPB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPB shall:

- (1) Provide 30 days prior notice of all meetings to the state historic preservation officer.
- (2) Submit minutes of each meeting to the state historic preservation officer within 30 days of each meeting.
- (3) Submit record of attendance for the HPB to the state historic preservation officer within 30 days of each meeting.
- (4) Submit public attendance figures for each meeting to the state historic preservation officer within 30 days of each meeting.
- (5) Notify state historic preservation officer of any change in HPB membership within 30 days of the action.
- (6) Notify state historic preservation officer immediately of all new historic designations or alterations to existing designated buildings, structures and sites.
- (7) Submit amendments to ordinance to the state historic preservation officer for review and comment at least 30 days prior to adoption.
- (8) Submit annual report by November 1 covering previous October 1 through September 30 of each year. The annual report shall include:
 - (a) Any changes to the rules of procedure.
 - (b) The number of proposals reviewed.
 - (c) All new designations.

- (d) Changes to the HPB
- (e) Revised resumes of HPB members as appropriate.
- (f) Changes to the historic preservation ordinance.
- (g) A review of any survey and inventory activity with a description of the system used.
- (h) A program report on each grant-assisted activity.

(Ord. No. 2688-06, § 1, Exh. A(58-459), 10-9-06)

Sec. 58-493-Reserved.

(Ord. No. 2688-06, § 1, Exh. A (58-463), 10-9-06)

Sec. 58-494. - Ordinary maintenance and repair.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any improvement, which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

(Ord. No. 2688-06, § 1, Exh. A (58-464), 10-9-06)

Sec. 58-495. - Enforcement of maintenance and repair provisions.

Where the HPB or city determines that any improvement of a designated historic landmark or resource, or historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic landmark, historic resource or historic district lack maintenance and repair to such an extent as to detract from the desirable character of the historic landmark, historic resource or historic district, it shall request appropriate officials or agencies of the city to require correction of such deficiencies under authority of applicable laws and regulations.

(Ord. No. 2688-06, § 1, Exh. A (58-465), 10-9-06)

Sec. 58-496. - Unsafe structures.

In the event the building official determines that any designated building or contributing structure within a designated historic district is unsafe pursuant to the Florida Building Code, he or she shall immediately notify the HPB with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the HPB. The HPB may take appropriate actions to effect and accomplish the preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, if such actions do not interfere with procedures in the Florida Building Code.

(Ord. No. 2688-06, § 1, Exh. A (58-466), 10-9-06)

Sec. 58-497. - Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, or site within a designated historic landmark, resource or district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedure of this article.

(Ord. No. 2688-06, § 1, Exh. A (58-467), 10-9-06) Sec. 58-498. - Inspections.

The Building and Permitting Services Department and Code Compliance Division shall assist the HPB by making necessary inspections in connection with enforcement of this article. The building official shall be responsible to promptly stop any work attempted to be done without or contrary to any certificate of review required under this division and shall further be responsible for ensuring that any work not in accordance with an issued certificate of review shall be corrected to comply with the certificate, or that authorized remedial action in accordance with city codes is initiated promptly.

(Ord. No. 2688-06, § 1, Exh. A (58-468), 10-9-06) Sec. 58-499. --Reserved.

(Ord. No. 2688-06, § 1, Exh. A (58-469), 10-9-06)

Sec. 58-500. - Violations.

- (a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty otherwise provided in section 2-108 in this Code.
- (b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section 2-108 in this Code.

(Ord. No. 2688-06, § 1, Exh. A (58-470), 10-9-06)

Secs. 58-501—58-509. - Reserved.

DIVISION 6. - TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Sec. 58-510. Florida Statute 196.1961 establishes a method for the City Commission to allow an ad valorem tax exemption of up to 50 percent (50%) of the assessed value of property which meets all the following criteria:

- (a) The property must be used for commercial purposes or used by a not-for-profit organization under s.501(c) (3) or (6) of the Internal Revenue Code of 1986.
 - (b) The property must be listed in the National Register of Historic Places, as defined in s. 267.021 or must be designated as a historic property, a contributing property to a historic district under the terms of this ordinance.
 - (c) The property must be regularly open to the public such that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of 40 hours per week, for 45 weeks per year, or the equivalent of 1,800 hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.
- (1) The City Commission shall notify the property appraiser of the adoption of such ordinance no later than December 1 of the year prior to the year in which the exemption will take effect. If the exemption is granted for only a specified period or the ordinance is repealed, the City Commission shall notify the property appraiser no later than December 1 of the year prior to the year the exemption expires. The ordinance shall specify that the exemption shall only apply to taxes levied by the City of Winter Park; however the exemption will not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Art. VII of the State Constitution.
- (2) In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

Sec. 58-511. - Scope of tax exemptions for restoration, renovation or rehabilitation.

- (a) Chapter 196.1997, Florida Statutes establishes a method for the City Commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred percent (100%) percent of the assessed value of all improvements to historic properties, which result from restoration, renovation or rehabilitation made on or after the effective date of an approved application. The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida State Constitution. The exemption does not apply to personal property.

(Ord. No. 2688-06, § 1, Exh. A (58-476), 10-9-06)

Sec. 58-512. - Duration of tax exemptions.

Any exemption granted under section 58-511 to a particular property may remain in effect for ten years as specified in the ordinance approving the exemption. The duration of ten years may continue regardless of any change in the authority of the city to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements, which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

(Ord. No. 2688-06, § 1, Exh. A (58-477), 10-9-06)

Sec. 58-513. - Eligible properties and improvements.

- (a) Property is qualified for an exemption under-section 58-511 if:
 - 1. At the time the exemption is granted, the property is:
 - a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
 - b. A contributing property within a National Register listed district; or
 - c. Individually listed in the Winter Park Register of Historic Places or noted as a contributing structure within a designated local historic district as enacted by ordinance of the City Commission.
 - 2. The HPB has certified to the City Commission that the property for which an exemption is requested satisfies subsection (a) (1) above.
- (b) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must be:
 - 1. Consistent with the United States Secretary of the Interior's Standards for Rehabilitation and/or local design guidelines for historic preservation, and
 - 2. Determined by the HPB to meet criteria established in rules adopted by the department of state if the city is a Certified Local Government, or by the Department of State Division of Historic Resources.
- (c) Property is qualified under section 58-513(b) above if the property meets the following criteria:
 - 1. The property must be used for commercial purposes or used by a not-for-profit organization under s. 501(c) (3) or (6) of the Internal Revenue Code of 1986; or
 - 2. The property must be listed in the National Register of Historic Places,

as defined in Florida Statutes section 267.021; or

3. Must be a local historic contributing property to a National Register Historic District; or must be a locally designated historic landmark or a contributing property within a locally designated historic district; and
4. The property must be regularly open to the public, which means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of forty (40) hours per week, for forty-five (45) weeks per year, or an equivalent of eighteen hundred (1,800) hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.

Only those portions of the property used predominantly for the purposes specified in section 58-513(c) shall receive the ad valorem tax exemption of up to fifty (50%) percent of the assessed property value. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property. In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

(Ord. No. 2688-06, § 1, Exh. A (58-478), 10-9-06)

Sec. 58-514. - Applications.

- (a) Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a historic property must, in the year the exemption is desired to take effect, file with the historic preservation staff a written application on a form approved by the Florida Department of State. Any applicable fees shall be paid at the time the application is submitted. The application must include the following information:
 1. The name of the property owner and the location of the historic property.
 2. A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvement.
 3. Proof to the satisfaction of the HPB that the property that is to be rehabilitated or renovated is a historic property under this section.
 4. Proof to the satisfaction of the HPB that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
 5. Other information identified in appropriate Florida Department of State regulations.

- (b) Following approval by the City Commission, any person, firm or corporation who is claiming the ad valorem tax exemption provided under section 513(b) shall, on or before March 1 of each year, file an application for exemption with the Orange County Property Appraiser, describing the property for which exemption and certifying its ownership and use.

(Ord. No. 2688-06, § 1, Exh. A (58-479), 10-9-06)

Sec. 58-515. - Required restrictive covenant.

To qualify for an exemption the property owner must enter into a covenant or agreement with the City Commission for the term for which the exemption is granted. The form of the covenant must be established by the Florida Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors or assigns. Violations of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Ord. No. 2688-06, § 1, Exh. A (58-480), 10-9-06)

Sec. 58-516. - Review by the HPB

The HPB or its successor is designated to review applications for exemptions. The HPB must recommend that the City Commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Department of State. The recommendation and the reason therefore must be provided to the applicant and to the City Commission before consideration of the application at an official meeting.

(Ord. No. 2688-06, § 1, Exh. A (58-481), 10-9-06)

Sec. 58-517. - Approval by the City Commission.

A majority vote of the City Commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The City Commission shall include the following in the decision approving the written application for exemption:

- (1) The name of the property owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of

this article.

(Ord. No. 2688-06, § 1, Exh. A (58-482), 10-9-06)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE VIII, “HISTORIC PRESERVATION SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE CREATION OF HISTORIC DISTRICTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida (“City”), recognizes that the City has within its jurisdiction a significant number of historic resources, structures and properties; and

WHEREAS, the City Commission recognizes that the identification, protection, enhancement and use of such resources provides a public purpose; and

WHEREAS, the City Commission recognizes that these historic resources, structures and properties constitute valuable assets that contribute to the charm and appeal of the City and create a unique environment for both residential and commercial pursuits, thereby providing significant and substantial economic benefit to the City; and

WHEREAS, the City Commission wishes to take advantage of all state and federal policies and programs for assistance and grants for the study, preservation, rehabilitation or restoration of historic buildings, districts and sites for the benefit of the public; and

WHEREAS, the City Commission desires that more property owners seek voluntary designation of their properties as historic landmarks or historic resources; and

WHEREAS, the City Commission desires that more property owners in areas with a concentration of historic landmarks or historic resources, seek designation of their areas as historic districts, through the use of the procedures set forth herein; and

WHEREAS, the City Commission desires to implement additional economic incentives to encourage owners of historic structures to seek voluntary designation of such structures as historic landmarks or historic properties, or designation of their neighborhoods as historic districts; and

WHEREAS, the regulations herein are consistent with the City’s Comprehensive Plan;
and

WHEREAS, the City Commission desires to encourage the preservation and restoration
of the City’s historic resources, structures and properties for the benefit of the public:

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER
PARK:**

SECTION 1. That Chapter 58 “Land Development Code”, Article VIII "Historic
Preservation" of the Code of Ordinances is hereby amended and modified as shown in Exhibit
A (ATTACHED).

SECTION 2 - SEVERABILITY. If any Section or portion of a Section of this Ordinance
proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the
validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3 - CODIFICATION. It is the intention of the City Commission of the City of Winter
Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and
be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections
of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word,
“Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 4 - CONFLICTS. All ordinances or portions or ordinances in conflict with any
of the provisions of this Ordinance are hereby repealed.

SECTION 5 – EFFECTIVE DATE. This ordinance shall become effective immediately
upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park,
Florida, held in City Hall, Winter Park, on this
_____ day of _____, 2015.

Mayor

ATTEST: City Clerk

EXHIBIT A

ARTICLE VIII. - HISTORIC PRESERVATION

FOOTNOTE(S):

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Editor's note— Ord. No. 2688-06, § 1, adopted Oct. 9, 2006, amended Art. VIII in its entirety to read as herein set out. At the editor's discretion, the provisions of Ord. No. 2675-06 have been renumbered to preserve the style of this Code and the original section numbers have been included in the history notes for future reference. Former Art. VIII, §§ 58-433—58-459, 58-463—58-470, 58-476—58-482, pertained to similar subject matter, and derived from Ord. No. 2425-01, § 1, adopted June 28, 2001; Ord. No. 2446-01, § 1, adopted Nov. 13, 2001.

DIVISION 1. – GENERALLY

Sec. 58-433. - Short title; intent and purpose.

(a) *Short title.* This article shall be cited as the Winter Park Historic Preservation Code.

(b) *Intent and purpose*

(1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.

(2) It ~~is shall be~~ the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation. ~~Furthermore, it is the purpose of this article to strengthen the economy of the city by stabilizing and improving property values in historic areas, and to encourage new buildings and development that will be harmonious with existing historic buildings and districts. to~~ achieve the following objectives:

- a. Safeguard the heritage of the city by encouraging the preservation of historic resources representing significant elements of its history;
- b. Enhance the visual character of the city by encouraging the preservation of these buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- c. Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- d. Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;
- e. Promote the private and public use of historic resources for the education, prosperity and general welfare of the people; and
- f. Stabilize and improve property values within the city.

(3) In addition, the provisions of this article will assist the city and private property owners to be eligible for federal tax incentives, federal and state grant funds, property tax abatement, and any other incentive programs for the purpose of furthering historic preservation activities.

(Ord. No. 2688-06, § 1, Exh. A(58-433), 10-9-06)

Sec. 58-434. - Definitions.

The following words, terms and phrases, as used in this article, shall have the meanings set forth below except where the context clearly indicates a different meaning.

Addition means a construction project physically connected to the exterior of an historic building or that increases the gross floor area of the building.

Administrative review means the Historic Preservation Board staff may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the board and based upon the standards in section 58-469 to an individually designated property or property located in a designated historic district. Staff is not required to grant this review and may require review by the board. If the applicant wishes to appeal staff's decision, a complete certificate of review application for the project will then be placed on the historic preservation board agenda.

Alteration means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving exterior changes ~~in form, texture, materials or color~~, or any such changes in appearance in a designated historic property or specially designated historic site. or district. In designated local historic districts, alterations shall be in keeping with the design guidelines established for the district per section 58-457(2) (b) (5).

Applicant means ~~an individual or group~~, a property owner or owners who provides(s) sufficient written information to the city to ascertain that their property potentially meets the minimum eligibility requirements for local historic designation, or who is applying for a certificate of review.

Archaeological site means a single specific location that has yielded, or based on previous research is likely to yield, information on local history or prehistory.

Certificate of review means ~~a written document approved the approval process~~ by the Winter Park Historic Preservation ~~Commission Board~~ allowing an applicant to proceed with approved exterior alterations, additions, relocation, new construction, or demolition of, or other work to, a designated historic landmark building, historic resource, historic landmark site or property in a historic district, following a determination of the proposal's suitability to applicable criteria.

- ~~(1) Standard certificate of review: Those certificates based upon such specific guidelines and standards as may be recommended by the Historic Preservation Board for which administrative issuance, by the city, has been authorized upon findings that proposed actions are in accord with such official guidelines and standards.~~
- ~~(2) Special certificate of review: Those certificates involving the demolition, removal, reconstruction, exterior alteration or new construction, which require determination by the Historic Preservation Board during a public hearing before such certificate can be issued.~~

City means the City of Winter Park.

Contributing element means a building or structure that contributes to the historic significance of a district, which by location, design, setting, materials, workmanship, feeling, and/or association adds to the district's sense of time, place and historic development and meets two or more of the National Register of Historic Places base criteria set forth in section 58-456(1).

Demolition means an act or process that destroys or razes, in whole or in part, a building structure or site, including a building within a district, or which permanently impairs its structural integrity.

Florida Master Site File means the State of Florida's official inventory of historical and cultural resources. Categories of resources recorded at the Site File include archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts. The Site File also maintains copies of archaeological and historical survey reports and other manuscripts relevant to history and historic preservation in Florida.

Historic district means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, resources, improvements, or landscape features united by historic events or aesthetically by plan or

physical development, and which area has been designated as an historic district pursuant to procedures described in this article. Such district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks or resources, nevertheless contribute to the overall visual character of the district.

~~Historic landmark or resource means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site which has been designated as an historic landmark or resource pursuant to procedures described in this article. that is of historical, architectural or archaeological value.~~

Historic landmark means buildings, structures, or sites of specific and exceptional historic or aesthetic significance to the city, state or nation. Historic landmarks may be associated with historic personages or events or embody exceptional architecture, or may be the work of a master designer or architect.

Historic Preservation Commission (HPC) Board (HPB) means the City of Winter Park Historic Preservation ~~Commission Board~~ as created by sections ~~58-441 and 58-442~~ 58-445 and 58-446.

Historic resource means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site that is of historical, architectural or archaeological value.

Historic survey means the results of a systematic process ~~of identifying~~ determined by the Historic Preservation Board to identify significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historic Resources in Tallahassee, Florida.

Improvement means any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade object constituting a physical betterment of real property or any part of such betterment.

~~Multiple property nomination means a group of related significant properties that share common themes, and are organized by historic contexts and property types.~~

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Non-contributing element means a building or structure located within the boundaries of a historic property or district that does not contribute to the historic significance of the district or property by virtue of its age, location, design, setting, materials, workmanship, feeling, and/or association.

Ordinary repairs and maintenance means any:

- (1) Work done on any improvement, which does not involve a change of design, appearance or material.
- (2) Replacement of any part of an improvement where the purpose and effect of such work or replacement is to correct any deterioration, decay of, or damage to such improvement or any part thereof and to restore the same as nearly as may be practicable to its condition prior to the occurrence of such deterioration, decay or damage.

Property means land and the buildings and improvements on it.

Property owner means the individual or entity in possession of title for land and the buildings and improvements on it.

Reconstruction means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

Rehabilitation means the process of repairing or altering a historic building so that an efficient contemporary use is achieved, while preserving those significant historical, architectural or cultural features that establish the character of the property.

Relocation means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.

Renovation means the act of making changes and repairs so that a historic structure is back in good condition.

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 periodically 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)

Secs. 58-436—58-440. - Reserved.

FOOTNOTE(S):

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Editor's note— Ord. No. 2843-11, § 3.b.A, adopted June 13, 2011, amended Div. 2 in its entirety to read as set out herein. Former Div. 2, §§ 58-441—58-446, pertained to historic preservation commission and derived from Ord. No. 2688-06, § 1, Exh. A(58-437—58-441), adopted Oct. 9, 2006.

DIVISION 2. - HISTORIC PRESERVATION BOARD

Secs. 58-441—58-444. - Reserved.

Sec. 58-445. - Establishment of historic preservation board.

There is hereby established pursuant to sections 2-46 through 2-49 and section 2-59, a historic preservation board (HPB). This board shall operate and be controlled pursuant to the provisions in sections 2-46 through 2-49 and section 2-59.

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Sec. 58-446. Qualifications.

Members of the HPB 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. The board shall be comprised of seven (7) members and one (1) alternate, all of whom must be city residents.

a. One member shall be a licensed architect.

b. One member versed in local history.

Sec. 58-4467 - Functions, powers and duties of the historic preservation board.

The HPB historic preservation board shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

- (1) Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.
- (2) Identify potential historic landmarks, historic resources and potential historic districts for designation; and provide assistance to, and education of, owners of properties for potential designation;
- (3) Develop and maintain a local register of historic places and review National Register of Historic Places nominations within the city;
- (4) Develop guidelines based upon the Secretary of the Interior's Guidelines Standards for uUse in reviewing applications for certificates of review. The Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ will be used until local guidelines are developed and adopted by the HPB;
- (5) Review applications for certificates of review for individually designated landmarks and, resources, and contributing and non-contributing properties within designated districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement;
- (6) Approve variances that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;
- (10) Attend relevant educational meetings, workshops and conferences;
- (11) Adopt rules of procedure, which shall be reviewed annually and which shall be available for public inspection; and
- (12) Perform any other function that may be designated by the city commission.

(Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Secs. 58-447—58-455. - Reserved.

DIVISION 3. - DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS

Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must ~~have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties.— be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433. herein and be based on the establishment of historic contexts or themes that describe the historical relationship of the properties.~~ The eligibility of any

potential historic landmark, resource or district shall be supported by meeting one or more criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance. The National Register of Historic Places based criteria for evaluation require that:

(1) ~~The National Register criteria for evaluation requires that the~~ A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:

- ~~a. That are associated with events that have made a significant contribution to the broad patterns of our history; or~~
- ~~b. That are associated with the lives of persons significant in our past; or~~
- ~~c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or~~
- ~~d. That have yielded, or may be likely to yield, information important in prehistory or history.~~

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- b. That are associated with the lives of persons significant in our past; or
- c. That embody the distinctive characteristics of a type, period, or method of construction; or
- d. That represent the work of a master; or
- e. That possess high artistic values; or
- f. That represent a significant and distinguishable entity whose components may lack individual distinction; or
- g. Those have yielded, or may be likely to yield, information important in prehistory or history.

(2) Historic districts must meet ~~one two~~ or more of the National Register criteria in section 58-456 (1) at the local, state or national level. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

- a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties. ~~A significant concentration may be represented by 60 percent of the sites, buildings, structures or objects that contribute to the historic context of the district. At least 50 percent of the sites, buildings, structures or objects in a historic district must meet two or more of the National Register of Historic Places criteria at the local, state or national level.~~
- b. A district must be a legally definable contiguous geographic area and, where possible, should cover both sides of any street or comprise all the homes in any cul-de-sac or similar area, that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations, and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic Places. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in Section 58-457(2). The boundaries should be defined by utilizing the parcels and lots as shown on the Orange County Property Appraiser's maps.
- c. If the nomination for designation of a particular district pursuant to Section 58-457(2) below is unsuccessful, no district nomination including the selected area shall be presented for nomination for at least twelve months after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.

(Ord. No. 2688-06, § 1, Exh. A (58-442), 10-9-06)

Sec. 58-457. - Designation procedures.

Winter Park historic landmarks, resources and districts shall be designated only as provided in this section. Properties, which meet the criteria for designation as set forth in section 58-456, shall be designated according to the following procedures:

(1) *Designation of local historic landmarks and resources.*

- a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), ~~the HPC, or a city commission member~~ who believes(s) that the property meets the criteria for listing as set forth in section 58-456. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s). ~~A recommendation for nomination that does not include the property owner(s) authorization shall not proceed.~~
- b. ~~Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPC at a regularly scheduled meeting. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting.~~
- c. For each proposed designation of a historic landmark or resource, the City is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

(2) *Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, half of whom shall be owners of individually designated historic homes in the proposed district, or owners of contributing homes in the proposed district by any member of the HPC, or by a city commission member, who believes that the district meets the criteria for listing as set forth in section 58-456. The nomination proposal shall include a description of the proposed boundaries of the district, and a brief statement explaining-setting forth: (i) that at least 50% of the homes in the proposed district are individually designated historic homes or contributing homes; (ii) its historic, cultural, aesthetic or architectural significance, (iii) the specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and (iv) including-a-the required petition representing the ownership of at least 20 percent of the properties within the proposed district as described above. Designation of historic districts shall only be considered by the ~~HPC~~ subsequent to meetings with district property owners and actions as described in subsections b. and c. below.
- b. Prior to consideration of designation by the ~~HPC~~, the city shall facilitate conferences with the property owners within the nominated district to discuss the following: first determine if the proposed district meets the criteria for designation as set forth in the petition. If so, the city shall

then prepare a historic designation report which shall analyze and report upon: 1) ~~the historic designation report~~ (2) proposed boundaries, ~~3) 2) contributing and non-contributing buildings and elements,~~ 3) district goals, 4) design guidelines to include district alteration criteria, and 5) ~~results effects~~ effects of designation and 6) available incentives. The city shall then mail the report and other necessary information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The city shall then facilitate conferences with property owners within the nominated district to discuss the proposed district.

- c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the nominated district as of that date. The report will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline will also be posted on the city's web site. Property owners of record will be polled, with each property representing one vote. Upon receipt of a favorable vote representing the ownership of a simple majority ~~two-thirds~~ of the properties within the nominated ~~proposed~~ district, a historic designation report shall be forwarded to the HPCB recommending approval or disapproval of the nominated area as a historic district based upon the vote received and citing any other specific criteria for the decision. ~~A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2) d.~~
- d. The nominated historic district shall have a historic designation report that shall be presented to the HPCB at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation ~~in the city and county~~ at least 15 days prior to the hearing.
- (3) Decision of the HPB ~~historic preservation commission~~. If, after a public hearing, the HPCB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark, resource or district, shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation.
- (4) ~~The city commission shall further direct staff to notify the following of the action with a A~~ copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:
- Planning and Community Development Department (all divisions)
 - [Building and Permitting Services Department](#)
 - [Code Compliance Division](#)
 - City Clerk
 - Public Works Department
 - Owners of the affected property and other parties having an interest in the property, if known

(5) Following the published date of a public hearing before the HPCB, no permits shall be issued by the building and [permitting services](#) department, except for permits that do not require the review of the HPCB, for any new construction, exterior alterations, [rehabilitation](#), [restoration](#), [renovation](#), [addition](#), [demolition](#), [relocation](#), [moving](#), or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:

- The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
 - The historic designation is denied by the city commission; or
 - The property owner has applied for an accelerated approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.
- (6) Historic landmarks, resources or districts shall be formed as ~~a special an~~ overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.
- (7) Should the City Commission deny the request for designation, it shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city web site.

(Ord. No. 2688-06, § 1, Exh. A(58-443), 10-9-06)

Secs. 58-458—58-465. - Reserved.

DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-466. - Purpose.

The purpose of the certificate of review process is to assist owners of historical landmarks or resources and owners in historic districts, ~~in accordance with design guidelines~~, who plan to rehabilitate, restore or redevelop their property for contemporary use to achieve their goals and take advantage of incentive programs while preserving the historic character, architecture and materials, to the greatest extent possible.

(Ord. No. 2688-06, § 1, Exh. A(Div. IV), 10-9-06)

Sec. 58-467. - Pre-application conference.

Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant shall confer with the city [HPB staff](#) to obtain information and guidance. The purpose of such conference is to further discuss and clarify conservation objectives and design guidelines in cases that do not conform to established objectives and [the Land Development Code guidelines](#). In no case shall any statement or representation made prior to the official application review be binding on the HPCB, the city commission or any city departments.

(Ord. No. 2688-06, § 1, Exh. A(58-444), 10-9-06)

Sec. 58-468. - Review requirement.

The HPCB shall review and render a decision during an advertised public hearing on applications for ~~special~~ certificates of review for any proposed [new construction](#), exterior alterations, [rehabilitation](#), [restoration](#), [renovation](#) ~~demolition~~, [addition](#), [demolitions](#), or relocations of designated historic landmarks, [resources](#), [contributing and noncontributing resources within districts](#), [city-owned historic properties and sites](#), and historic

properties for which the city has received a façade or preservation easement in keeping with the design guidelines as set forth in section 58-457(2)(b)(5). ~~The HPB shall review and render a decision on all applications for special certificates of review for any proposed exterior alterations, demolitions, new construction or relocations within the boundaries of designated historic districts.~~ The HPCB may approve, approve with conditions recommendations, or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-480, the provisions of this section shall still apply.

(Ord. No. 2688-06, § 1, Exh. A(58-445), 10-9-06)

Sec. 58-469. - Guidelines for review.

~~In adopting guidelines for review,~~ It shall be the intent of the HPCB to preserve the exterior historic characteristics of the landmark, resource or district, and to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. Guidelines shall also serve as criteria for staff to make decisions, as permitted by the HPCB, regarding applications for ~~standard~~ administrative certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ are generally the standards and guidelines by which applications for any certificate of review for historic buildings, sites, or districts are to be measured and evaluated. The HPCB may recommend additional standards to preserve and protect special features unique to the city or may recommend amending any existing guidelines to the city commission.
- (2) Variances to achieve the design review standards for historic preservation may be granted from the land development code requirements ~~as may be appropriate to achieve the design review standards for historic preservation for the purposes of this ordinance, provided the variance does not negatively affect the character of the area and with good cause shown.~~ These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, storm water retention, and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.
 - a. When a variance or exception is considered, the application shall comply with the notice standards listed in ~~subsection~~ 58-88(c)(2)
 - b. All variance requests through the HPCB ~~design certificate of~~ review process shall be limited to properties with individual landmark, resource or historic district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that requires a variance.
 - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPCB shall be taken to the city commission after following the notice criteria of ~~sub~~section 58- 88(c)(1) if filed within 15 days of the date of the decision by the HPCB.
- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, or ~~to~~ on properties in a designated historic district.
 - a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage.
 - b. Building setbacks shall be determined by the HPCB, however no garage apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such setback currently exists, or may be in a required front setback.
 - c. It is desirable that garage apartments or accessory cottages not exceed 750 square feet of living area. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property. ~~Garage apartments or accessory cottages shall not exceed 1,000 square feet in size.~~

d. Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may utilize a separate electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.

e. Tenants must be provided on-site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on-site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions may result in enforcement action by Code Compliance. Will be deemed sufficient grounds for the code enforcement board to order the discontinuation of the garage apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion

(4) Each designated historic district may adopt specific district guidelines for design review based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ subject to final approval by the HPCB

(5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~.

(Ord. No. 2688-06, § 1, Exh. A(58-446), 10-9-06)

Sec. 58-470. - Forms.

Applications for certificates of review will be made on forms approved and provided by the HPCB. ~~historic preservation commission.~~

(Ord. No. 2688-06, § 1, Exh. A(58-447), 10-9-06)

Sec. 58-471. - Delegation of review authority.

The HPCB may delegate the authority to appropriate staff members to review and grant ~~standard~~ administrative ~~certificates of~~ review without referral to the HPCB and without a public hearing in the case of certain types of applications, which the HPCB shall determine in advance.

(Ord. No. 2688-06, § 1, Exh. A(58-448), 10-9-06)

Sec. 58-472. - Administrative review. ~~Standard certificates.~~

Based upon the standards for rehabilitation, the designation report, a complete application for a building permit ~~standard certificates of review~~, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for ~~a standard certificate of administrative~~ review prior to the issuance of a building permit. The decision shall be based upon the standards in section 58-469(1). The findings of the city shall be mailed to the applicant within three days of the city's decision accompanied by a statement in full regarding the decision unless delivered in person. The applicant shall have an opportunity to challenge the decision to deny the application by applying for a ~~special~~ certificate of review within 15 days of the findings.

(Ord. No. 2688-06, § 1, Exh. A (58-449), 10-9-06)

Sec. 58-473. - Special Certificates of Review.

(a) An applicant for a special certificate of review whether for new construction, exterior

alteration, ~~addition, rehabilitation,~~ restoration, renovation, ~~addition, moving or~~ demolition, ~~or relocation~~ shall submit an application to the HPCB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPCB to fully describe the proposed appearance, materials and architectural design of the building(s), other outbuildings and site plan. The application shall include floor area ratio, impervious lot coverage and height and setback calculations as well as landscape and hardscape plans if applicable. The applicant shall provide adequate information to enable the HPCB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.

- (b) In the event that the applicant is requesting a ~~special~~ certificate of review for demolition, the HPCB shall be provided with the details for the proposed disposition of the site. The HPCB may require architectural drawings, financial plans or other information regarding any proposed new construction. Proposed demolitions shall be reviewed subject to the considerations in section 58-479.
- (c) The HPCB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least ~~13~~ 15 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval. Upon the request of the property owner, staff may administratively extend the approval for an additional year. After two years, the property owner may request an extension from the HPB.

(Ord. No. 2688-06, § 1, Exh. A (58-450), 10-9-06)

Sec. 58-474. - Decision of the ~~board commission.~~

The decision of the ~~HPB historic preservation commission~~ shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPB finds appropriate. No decision of the HPC shall result in an inordinate burden for the owner if the HPB has determined the existence of such burden in accordance with state law. The decision of the HPB shall include a complete description of the reasons for such findings and details of the public interest that is sought to be preserved and shall direct one or more of the following actions:

- (1) Issuance of a ~~special~~ certificate of review for the work proposed by the applicant; or
- (2) Issuance of a ~~special~~ certificate of review with specified modifications and conditions or;
- (3) Issuance of a ~~special~~ certificate of review with recommendations for zoning required ~~to~~ for the preservation of the building or site and those recommendations shall be placed on the consent agenda of the soonest possible planning and zoning ~~commission board~~ meeting
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a ~~special~~ certificate of review with a deferred effective date of up to 12 months from the date of the HPCB's decision at a public hearing in cases of demolition or moving of a significant building.

(Ord. No. 2688-06, § 1, Exh. A (58-451), 10-9-06)

Sec. 58-475. - Time limit.

Revised Ad Hoc/staff draft HPB 08-27-15 showing changes accepted 8-19-15 and noting sections to be discussed

The ~~historic preservation commission~~ HPB shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPCB.

(Ord. No. 2688-06, § 1, Exh. A (58-452), 10-9-06)

Sec. 58-476. - Records.

The decision of the ~~historic preservation commission~~ HPB shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPCB or the HPCB's designated staff representative to the applicant, and whatever its decision, notice in writing shall be given to the applicant, city clerk and the director of the planning and community development department. When an application is denied, the HPCB's notice shall provide an adequate written explanation of its decision. The HPCB shall keep a written record showing its action on each application considered.

(Ord. No. 2688-06, § 1, Exh. A (58-453), 10-9-06)

Sec. 58-477. - Appeals.

(a) Any substantially affected party may appeal any decision of the HPCB to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.

~~(b)~~ The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPCB's decision based upon the standards in section 58-469 and guidelines in section 58-479. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts having jurisdiction over the matter. ~~as provided by the Florida Rules of Appellate Procedure.~~

(Ord. No. 2688-06, § 1, Exh. A (58-454), 10-9-06)

Sec. 58-478. - Change in approved work.

The HPCB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPCB's staff finds that the proposed change does not materially affect the historic character or the proposed change is in accord with approved guidelines, it may issue a supplementary ~~standard~~ certificate of review for such change. If the proposed change is not in accordance with guidelines, standards, or certificate of review previously approved by the HPCB, a new application for a ~~special~~ certificate of review shall be required.

(Ord. No. 2688-06, § 1, Exh. A (58-455), 10-9-06)

Sec. 58-479. - Guidelines for issuance—Demolition, and construction, excavation or other disturbance in archaeological zones.

Demolition as used in this section, shall mean any act or process that destroys or razes in whole or in part, a building, structure or site, including a building within a district, or which permanently impairs its structural integrity.

(a) In addition to all other provisions of this article, the HPCB shall consider the following criteria in evaluating applications for a ~~special~~ certificate of review for demolition of designated properties and properties located within designated historic districts:

(1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.

- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
- (4) The structure contributes to the historic character of a designated district.
- (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
- (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.

(b) In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPCB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPCB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

(c) Properties subject to the provision of this section are:

1. Properties designated as historic properties;
2. Properties that are contributing homes with a designated historic district; or
3. Properties that are at least 65 years old and satisfy at least two of the following criteria as determined by staff:
 - i. The property is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark.
 - ii. The property is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
 - iii. The property is one of the last remaining examples of its kind in the city.
 - iv. The property contributes substantially to the historic character of a designated historic district.
 - v. Retention of the property contributes substantially to the general welfare of the city by providing an opportunity for the study of local history, architecture or design.

(e) Should the property meet the criteria of (c)1, 2 or 3 above then, in addition to the time allotted for the consideration of demolition upon the submission of a request for demolition permit, an additional period of sixty (60) days shall be allowed for the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. During the consideration period, the HPB shall consider appropriate alternatives to demolition which shall include:

1. The feasibility of moving or relocating the structure;
2. The feasibility of purchasing the structure, either privately or through the use of public funds;
3. Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure; or
4. The granting of limited variances to promote and protect the historic nature of the structure.

The inability to achieve the preservation of the structure through means as set forth above during the consideration period shall not act as a basis to deny a demolition permit. However, for good cause shown, and with the agreement of the property owner, the consideration period may be extended for an additional sixty day (60) day period.

(f) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to (e)3 and 4 above, the demolition permit shall be issued immediately upon completion of the

preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(Ord. No. 2688-06, § 1, Exh. A (58-456), 10-9-06)

Sec. 58-480. - Reconstruction of destroyed historic landmarks.

The loss less of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPCB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the original building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-457), 10-9-06)

Sec. 58-481—58-489. - Reserved.

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 58-490. Incentives.

The City may adopt additional incentives applicable to designated historic landmarks, historic resources and/or properties in a historic district, including but not limited to fee discounts or grant programs, at its discretion.

Sec. 58-491. - National Register of Historic Places nominations.

The HPCB shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

- (1) The city commission, City Manager, Planning and Community ~~red~~Development department director, chief planner, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPCB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-458), 10-9-06)

Sec. 58-492. - Certified local government performance.

The HPCB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPCB shall:

- (1) Provide 30 days prior notice of all meetings to the state historic preservation officer.
- (2) Submit minutes of each meeting to the state historic preservation officer within 30 days of each meeting.
- (3) Submit record of attendance for the HPCB to the state historic preservation officer within 30 days of each meeting.

- (4) Submit public attendance figures for each meeting to the state historic preservation officer within 30 days of each meeting.
- (5) Notify state historic preservation officer of any change in HPCB membership within 30 days of the action.
- (6) Notify state historic preservation officer immediately of all new historic designations or alterations to existing designated buildings, structures and sites.
- (7) Submit amendments to ordinance to the state historic preservation officer for review and comment at least 30 days prior to adoption.
- (8) Submit annual report by November 1 covering previous October 1 through September 30 of each year. The annual report shall include:
 - a. Any changes to the rules of procedure.
 - b. The number of proposals reviewed.
 - c. All new designations.
 - d. Changes to the HPCB
 - e. Revised resumes of HPCB members as appropriate.
 - f. Changes to the historic preservation ordinance.
 - g. A review of any survey and inventory activity with a description of the system used.
 - h. A program report on each grant-assisted activity.

(Ord. No. 2688-06, § 1, Exh. A(58-459), 10-9-06)

Sec. 58-493. ~~Amendments-Reserved.~~

~~Applications for amendments to existing designated historic landmarks, resources or historic districts shall be processed according to the provision of sections 58-456 and 58-457 of this chapter provided that no action resulting from such application shall have the effect of eliminating the requirement for certificates of review as otherwise provided for in this article. Where the HPB has issued a certificate of review for demolition or moving of the improvement or feature of principal historic significance on a historic landmark site, the historic classification may be changed through the amendment process.~~

(Ord. No. 2688-06, § 1, Exh. A (58-463), 10-9-06)

Sec. 58-494. - Ordinary maintenance and repair.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any improvement, which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

(Ord. No. 2688-06, § 1, Exh. A (58-464), 10-9-06)

Sec. 58-495. - Enforcement of maintenance and repair provisions.

Where the HPCB or city determines that any improvement of a designated historic landmark or resource, or historic district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to a historic landmark, historic resource or historic district lack maintenance and repair to such an extent as to detract from the desirable character of the historic landmark, historic resource or historic district, it shall request appropriate officials or agencies of the city to require correction of such deficiencies under authority of applicable laws and regulations.

(Ord. No. 2688-06, § 1, Exh. A (58-465), 10-9-06)

Sec. 58-496. - Unsafe structures.

In the event the building official determines that any designated building or contributing structure within a designated historic district is unsafe pursuant to the [Florida](#) Building Code, he or she shall immediately notify the [HPCB](#) with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the [HPCB](#). The [HPCB](#) may take appropriate actions to effect and accomplish the preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, if such actions do not interfere with procedures in the [Florida](#) Building Code.

(Ord. No. 2688-06, § 1, Exh. A (58-466), 10-9-06)

Sec. 58-497. - Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, or site within a designated historic landmark, resource or district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedure of this article.

(Ord. No. 2688-06, § 1, Exh. A (58-467), 10-9-06)

Sec. 58-498. - Inspections.

The Building [and Permitting Services](#) Department and [Code Compliance Division](#) shall assist the [HPCB](#) by making necessary inspections in connection with enforcement of this article. The building official shall be responsible to promptly stop any work attempted to be done without or contrary to any certificate of review required under this division and shall further be responsible for ensuring that any work not in accordance with an issued certificate of review shall be corrected to comply with the certificate, or that authorized remedial action in accordance with city codes is initiated promptly.

(Ord. No. 2688-06, § 1, Exh. A (58-468), 10-9-06)

Sec. 58-499. —Reserved. ~~Inordinate burden.~~

~~Nothing in this article shall cause an inordinate burden to a property owner's existing use of real property or a vested right under 1995 Fla. Laws Ch. 95-181, § (1-2), the Bert J. Harris, Jr. Private Property Rights Protection Act. An inordinate burden to a property owner's existing use of real property or a vested right may not be considered unless an application for a certificate of review for a designated property has been denied. In any instance where there is a claim of an inordinate burden to existing use of real property or vested rights, the owner shall submit, by affidavit, to the commission at least 30 days prior to a public hearing, such information as may be required to describe those vested rights and the perceived inordinate burden to those rights.~~

(Ord. No. 2688-06, § 1, Exh. A (58-469), 10-9-06)

Sec. 58-500. - Violations.

- (a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty otherwise provided in section 2-108 in this Code.

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- (b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section 2-108 in this Code.

(Ord. No. 2688-06, § 1, Exh. A (58-470), 10-9-06)

Secs. 58-501—58-509. - Reserved.

DIVISION 6. - TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Sec. 58-510. Florida Statute 196.1961 establishes a method for the city commission to allow an ad valorem tax exemption of up to 50 percent (50%) of the assessed value of property which meets all the following criteria:

- (a) The property must be used for commercial purposes or used by a not-for-profit organization under s.501(c) (3) or (6) of the Internal Revenue Code of 1986.
- (b) The property must be listed in the National Register of Historic Places, as defined in s. 267.021 or must be designated as a historic property, a contributing property to a historic district under the terms of this ordinance.
- (c) The property must be regularly open to the public such that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of 40 hours per week, for 45 weeks per year, or the equivalent of 1,800 hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.
 - (1) The city commission shall notify the property appraiser of the adoption of such ordinance no later than December 1 of the year prior to the year in which the exemption will take effect. If the exemption is granted for only a specified period or the ordinance is repealed, the city commission shall notify the property appraiser no later than December 1 of the year prior to the year the exemption expires. The ordinance shall specify that the exemption shall only apply to taxes levied by the City of Winter Park; however the exemption will not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Art. VII of the State Constitution.
 - (2) In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

Sec. 58-511. - Scope of tax exemptions for restoration, renovation or rehabilitation.

(a) Chapter 196.1997, Florida Statutes establishes Aa method is hereby created for the city commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred percent (100%) percent of the assessed value of all improvements to historic properties, which result from restoration, renovation or rehabilitation made on or after the effective date of an approved application. The exemption applies only to taxes levied by the city. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida State Constitution. The exemption does not apply to personal property.

(Ord. No. 2688-06, § 1, Exh. A (58-476), 10-9-06)

Sec. 58-512. - Duration of tax exemptions.

Any exemption granted under ~~this~~ section 58-511 to a particular property may remain in effect for ten years as

specified in the ordinance approving the exemption. The duration of ten years may continue regardless of any change in the authority of the city to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements, which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

(Ord. No. 2688-06, § 1, Exh. A (58-477), 10-9-06)

Sec. 58-513. - Eligible properties and improvements.

(a) Property is qualified for an exemption under ~~this~~ section [58-511](#) if:

(1) At the time the exemption is granted, the property is:

- a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
- b. A contributing property within a National Register listed district; or
- c. Individually listed in the Winter Park Register of Historic Places or noted as a contributing structure within a designated local historic district as enacted by ordinance of the city commission.

(2) The [HPCB](#) has certified to the city commission that the property for which an exemption is requested satisfies subsection (a)(1) [above](#).

(b) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must be:

- (1) Consistent with the United States Secretary of the Interior's Standards for Rehabilitation and/or local design guidelines for historic preservation, and

[\(2\) Determined by the \[HPCB\]\(#\) to meet criteria established in rules adopted by the department of state \[if the city is a Certified Local Government, or by the Department of State Division of Historic Resources.\]\(#\)](#)

(c) Property is qualified under section 58-513(b) above if the property meets the following criteria:

- [\(1\) The property must be used for commercial purposes or used by a not-for-profit organization under s. 501\(c\) \(3\) or \(6\) of the Internal Revenue Code of 1986; or](#)
- [\(2\) The property must be listed in the National Register of Historic Places, as defined in Florida Statutes section 267.021; or](#)
- [\(3\) Must be a local historic contributing property to a National Register Historic District; or must be a locally designated historic landmark or a contributing property within a locally designated historic district; and](#)
- [\(4\) The property must be regularly open to the public, which means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of forty \(40\) hours per week, for forty-five \(45\) weeks per year, or an equivalent of eighteen hundred \(1,800\) hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.](#)

Only those portions of the property used predominantly for the purposes specified in section 58-513(c) shall receive the ad valorem tax exemption of up to fifty (50%) percent of the assessed property value. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property. In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

(Ord. No. 2688-06, § 1, Exh. A (58-478), 10-9-06)

Sec. 58-514. - Applications.

(a) Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a historic property must, in the year the exemption is desired to take effect, file with the historic preservation staff a written application on a form approved by the Florida Department of State. Any applicable fees shall be paid at the time the application is submitted. The application must include the following information:

- (1) The name of the property owner and the location of the historic property.
- (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvement.
- (3) Proof to the satisfaction of the [HPCB](#) that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the [HPCB](#) that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
- (5) Other information identified in appropriate Florida Department of State regulations.

(b) Following approval by the city commission, any person, firm or corporation who is claiming the ad valorem tax exemption provided under section 513(b) shall, on or before March 1 of each year, file an application for exemption with the Orange County Property Appraiser, describing the property for which exemption and certifying its ownership and use.

(Ord. No. 2688-06, § 1, Exh. A (58-479), 10-9-06)

Sec. 58-515. - Required [restrictive](#) covenant.

To qualify for an exemption the property owner must enter into a covenant or agreement with the city commission for the term for which the exemption is granted. The form of the covenant must be established by the Florida Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors or assigns. Violations of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Ord. No. 2688-06, § 1, Exh. A (58-480), 10-9-06)

Sec. 58-516. - Review by the [HPCB-historic-preservation-board](#).

The [HPCB](#) or its successor is designated to review [applications](#) for exemptions. The [HPCB](#) must recommend that the city commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Department of State. The recommendation and the reason therefore must be provided to the applicant and to the city commission before consideration of the application at an official meeting.

(Ord. No. 2688-06, § 1, Exh. A (58-481), 10-9-06)

Sec. 58-517. - Approval by the city commission.

A majority vote of the city commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The city commission shall include the following in the [ordinance decision](#) approving the written application for exemption:

- (1) The name of the property owner and the address of the historic property for which the exemption is granted.
- (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- (3) A finding that the historic property meets the requirements of this article.

(Ord. No. 2688-06, § 1, Exh. A (58-482), 10-9-06)