

# Historic Preservation Board



Special Meeting January 23, 2014 at 6:30 p.m.

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

## 1 administrative

1. Call to Order.

## 2 action

1. Historic Preservation Ordinance Review.
  - a. Section 28-457. Designation procedures (2) Local historic districts.
  - b. Incentives for preservation, Section 58-469(2) and (3) and Division 6. Note Incentives section in the *Preservation Ordinance Comparison* page 4.

## 3 new business

Next regular HPB meeting, 9:00 a.m. Wednesday, February 12, 2014.

## 4 adjourn

### 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."



CITY OF WINTER PARK  
HISTORIC PRESERVATION BOARD

Staff Report  
January 23, 2014

**Historic Designation Process**

Staff is not recommending any substantive changes to the designation process for individual buildings at this time, but for discussion recommends an annual report to the HPB noting the demolition of any individual historic buildings that have been identified in the historic resources survey, and are not in a potential historic district. Continued loss of these buildings may trigger a review of this part of the ordinance in the future.

Staff has found that the current process to establish a local historic district places an inappropriate burden on property owners and can result in discord among property owners. The current process is not comparable to other cities and several potential historic districts remain undesignated. For discussion, staff is recommending the following amendments to:

1. Remove the burden of petitioning fellow property owners for a nomination,
2. Better inform property owners of the process and results, and
3. Lift the pressure of the current voting process from the property owners.

For discussion, text to be added is in blue and underscored. Text to be deleted is ~~struck-out-in blue~~.

**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. 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 for evaluation. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

**Comment [I1]:** For example, a theme could be James Gamble Rogers II designed buildings.

(1)The National Register criteria for evaluation requires that the 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 board 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 represents 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.

(2) Historic districts must meet one or more of the National Register criteria. 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.

b. A district must be a definable geographic 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. The boundaries must be based upon a shared relationship among the properties constituting the district.

***(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, the HPC, or a city commission member who believes 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 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.

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 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 as identified in the City of Winter Park Historic Resources Survey may be submitted to the planning and community development department by petition from 20 percent of the district property owners, by any member of the HPBC, or by a city commission member, who believes that the district meets the criteria for listing as set forth in section 58-456. The proposal nomination shall include a description of the proposed boundaries of the district and a brief statement explaining its historic, cultural, aesthetic or architectural significance. and a petition representing the ownership of at least 20 percent of the properties within the proposed district. Designation of historic districts shall only be considered by the HPBC subsequent to meetings with district property owners and actions as described in subsections b. and c. below.

**Comment [I2]:** This insertion might direct nominations to identified potential districts rather than unstudied areas.

**Comment [I3]:** Requiring the owners to petition their potential district is a burden.

b.

Prior to consideration of designation by the HPBC, the city shall mail information to each property owner of record to notify them of the nomination of the historic district, what would be the effect of establishing the 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. Staff will conduct informational meetings facilitate conferences with property owners within the nominated district to discuss regarding the following: 1) the historic designation report, 2) proposed boundaries, 3) contributing and non-contributing buildings and elements, 4) district goals, 5) design guidelines, and 6) results of designation and incentives.

**Comment [I4]:** People may not have the time to attend meetings but should presented complete information about the process and most importantly, the outcome. This defuses the "rumor mill" and offers objective information to busy owners.

c.

After informational meeting have concluded, an opinion poll of the property owners will be taken and the results included in the final designation report. The city will mail a summarized final designation report to every property owner of record in the nominated district. The mailing will include the public hearing dates. The final designation report and public hearing dates will be posted on the city's web site. Upon receipt of a favorable vote representing the ownership of two-thirds of the properties within the proposed district a historic designation report shall be forwarded to the HPC. 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.

**Comment [15]:** The current binding vote process does not compare to other cities and can result in discord. That said, the HPB and City Commission will want to be aware of district owners opinions and take that into consideration when making recommendations and decisions.

d. The nominated historic district shall have a historic designation report that shall be presented to the HPBC 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 nomination 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 historic preservation commission board. If, after a public hearing, the HPBC 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 copy of the resolution(s) designating the historic landmark district and the any adopted guidelines for review:

- Planning and community development department (~~all divisions~~)
- Building and Permitting Services
- 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 HPBC, no permits shall be issued by the building ~~division~~department, except for permits that do not require the review of the historic preservation ~~commission~~board, for any new construction, exterior alterations, 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 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.

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



**CITY OF WINTER PARK  
HISTORIC PRESERVATION BOARD**

**Staff Report  
January 23, 2014**

**Incentives**

The current incentives for historic resources include the ability to request a variance through the HPB as part of the Certificate of Review process for additions or alterations that are appropriate for historic properties. There are no fees for a Certificate of Review or for a variance request. Historic properties that are zoned for single family use may retain, improve or add an accessory dwelling unit such as a garage apartment or "granny" flat subject to design review and the third parking space in the case of new construction. The city has worked with owners when an adaptive use is appropriate.

The state permits ad valorem tax relief to encourage the rehabilitation of historic buildings. The taxable value of significant improvement to historic buildings may be "forgiven" for up to ten years. The current ordinance allows the city to offer this relief. The city initiated listing the downtown on the National Register of Historic Places. Income producing buildings that have been determined to be contributing historic resources may make application for a 20% federal tax credit for the total cost of an appropriate building rehabilitation. Non-contributing buildings built before 1930 may be eligible for a 10% credit for rehabilitation. These tax credits can be sold. The state determines the approved value of the credit.

The city can receive donations of conservation easements. A tax deductible donation is made of the rights to the exterior of a historic building or land which would be protected from development. This is a onetime donation and the easement stays with the property for the lifetime unless otherwise limited. The owner and IRS determine the value.

For discussion, Orange County offers special consideration for bed and breakfast type uses in historic buildings, and Longwood offer a small grant program for façade improvements in their historic district.

Several cities over the ability to transfer or sell development rights (TDR) from historic properties to a specific receiving area where the added development would be appropriate. The historic property has to have addition development potential. This additional development potential, once transferred, is gone forever from that property. The transfer of development rights was important in the Supreme Court case that found historic preservation was a government power and not a taking. Commercial uses are when this usually applies. The city would need to identify a receiving area such as the Orlando Avenue or Lee Road corridors that could accept modest amounts of additional development. For example 3,000 square feet of

potential development could be moved from downtown to an identified receiving area. This incentive could be put forward at a later time following pending planning studies.