

Historic Preservation Board



March 12, 2014 at 9:00 a.m.

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

1 administrative

- Call to order and approval of October 9, 2013, and January 8, January 23, and February 12, 2014 meeting minutes.
- Public comments.

2 action

Historic preservation ordinance "housekeeping" amendments.

3 new business

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

9:00 a.m.
October 9, 2013
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. Chairman Randall Glidden called the meeting to order at 9:00 p.m.

Present: Chairman Randall Glidden, Christie Underwood, Rebecca Talbert, Candace Chemtob, Genean MacKinnon, Billy Wilson, Louise Sprimont, and Michael Miller. Staff: Sr. Planner Lindsey Hayes.

2. Action Items.

- Approval of September 11, 2013 meeting minutes

This item was postponed until November 13, 2013.

- Historic Preservation Review Update and Discussion

- a. Advocacy Committee Presentation

The Board received a presentation from Guest Speakers Betsy Owen, Executive Director, Friends of Casa Feliz, and Sue Masselink, member of the advocacy committee.

Ms. Owens thanked the Board for allowing them the opportunity to make the presentation. She stated that they are extremely concerned about the loss of historic resources in the City and what they feel is insufficient protection for those that remain. She explained that an Advocacy Committee was formed made up of Friends Board members and members of the community at large to study and make recommendations for protecting the City's historic assets. She concluded with these recommendations made by the Advocacy Committee: (1) general revisions to the historic preservation ordinance; (2) pursue becoming a certified local government; and (3) enhance public outreach efforts. She noted that these recommendations came as a result of speaking to the historic preservation officers of 38 cities around the state that have achieved certified local government status and also reading their ordinances.

Ms. Masselink, committee member, spoke concerning potential changes to the City's current historic preservation ordinance. She said that she feels that steps have been taken in the right direction by having an ordinance. She asserted that they feel that steps need to be taken to make the current ordinance stronger by taking provisions from ordinances that were looked at during their research. The committee offered the following recommendations with regard to revisions to the current ordinance: (1) strengthen the requirements of the makeup of the HPB; (2) change the designation criteria for establishing historic districts;

(3) issue certificates of appropriateness with regard to requests for demolition for homes that meet specific age requirements; (4) add the provision that establishes specific rules for requests to remove designations. Ms. Owens responded to Board members questions and concerns regarding their presentation and report.

No action was taken on the presentation, and Mr. Glidden thanked them for the presentation. He opened the floor to receive public comments. No one wished to speak. Public comments closed.

3. New Business – Informational

- 422 Holt Avenue

Ms. Hayes requested a Board opinion on this application. She explained that a tree fell on the property demolishing the old carport and the property owners are requesting to replace the carport in the same location as the old one. She asked if the Board wanted that on the next agenda as an action item. Consensus of the Board was to place on the next HPB agenda as an action item.

- Ms. Hayes indicated that the plans for the addition to 781 Antonette Avenue are going through the permitting process.
- Mr. Glidden announced that Christi Underwood has submitted her letter resigning from the Board. He thanked Mrs. Underwood for her service to the Board.
- Mrs. MacKinnon thanked the members of the Advocacy Committee for the time spent researching and presenting to the Board.

4. Public Comments – The Board received public comments from the following people:

- Susan Schofield, Executive Director, Winter Park Historical Museum, thanked the Advocacy Committee for the presentation. She had general questions with regard Board protocol.
- Pat McDonald, requested more information on the City's consultant.
- Aimee Spencer, 1509 Orange Avenue, had questions regarding the previously proposed ordinance revisions.
- Sally Flynn, 1400 Highland Road, spoke concerning the process going forward.

5. Adjournment. There was no further business. The meeting adjourned at 10:30 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

9:00 a.m.
January 8, 2014
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. Chairman Randall Glidden called the meeting to order at 9:00 a.m.

Present: Chairman Randall Glidden, Candace Chemtob, Rebecca Talbert, Billy Wilson, Genean MacKinnon Louise Sprimont, and Michael Miller. Staff: Sr. Planner Lindsey Hayes and Recording Secretary Lisa Smith.

2. Approval of Minutes:

Motion made by Ms. Talbert, seconded by Mr. Wilson to approve the December 11th meeting minutes. Motion carried unanimously with a 6-0 vote.

3. Action Items.

Senior Planner Lindsey Hayes explained that these items are listed as action items in order to begin to build consensus moving forward. She stated that she anticipates taking a complete package to the City Commission to make a presentation in April.

The Board members discussed the following items relating to the Historic Preservation Ordinance review:

Demolition:

The Board continued the discussion concerning the demolition process. Ms. Hayes explained that once a historic property is demolished, there is no opportunity in the future to bring it back. She said that recognized historic properties represent only about 8% of the residential and commercial buildings in the city so demolition should be thoughtfully considered, and the burden to any affected property owners weighed against the community good in the long term. She distributed copies of the amended code text areas. She reviewed the City's current city-wide demolition process. The Board discussed the following potential amendments to that process:

1. Demolition permits for all structures:
 - a. With a Florida Master Site File,
 - b. That are listed in the National Register of Historic Places either individually or that are a contributing element in a NRHP listed district, or
 - c. Are 45 years old or older;
2. May be not issued for 120 days (period used in Sarasota and Gainesville) unless staff finds that:
 - a. The structure is not in or adjacent to a potential historic district as identified in the survey,(see attached per HPB request)
 - b. The structure is not a landmark identified in the survey,

- c. Is not a landmark structure in that it does not have architectural distinction, or recognized vernacular building pattern, or
- d. Does not have an association with a historic event or person.
- e. The exterior of the structure has been damaged with more than 50% of the structure affected.

If staff doesn't find one of the above "outs", then the 120 day delay is imposed and the application goes to the HPB for a public hearing.

- a. The HPB may find no cause to impose the delay and may issue the permit with conditions if the board wishes to apply conditions.
- b. The HPB may waive the delay if the applicant demonstrates economic hardship, using the evidence requirements the state recommends.
- c. Under that claim, the HPB may waive the delay if, based on a qualified report, it is not feasible to keep or restore the structure to useable condition.
- d. HPB may approve the permit with the delay imposed in order to record the site for archival purposes.
- e. HPB may approve the permit with the delay imposed with an architectural salvage condition.
- f. HPB may impose the delay for the board and owner to explore options to avoid demolition.
- g. HPB may deny the application, and this is not a taking provided:
 - a. There is a reasonable use of the property, for example a house is or can be made livable or a property could be preserved and adapted for a reasonable use.
 - b. There is a reasonable economic return on the property.

Ms. Hayes responded to Board member questions and concerns. Ms. Talbert reiterated that she feels that the age threshold should remain at 50 years for the demolition process versus 45. She said that she is comfortable with 120 days, and would not want it be any shorter. Mrs. MacKinnon restated her concerns with regard to the demolition process. She said that this is a major change to the process that will affect a large number of property owners both residential and commercial. She said that she feels that this change establishes a way that other's opinion can over-ride your own concerning your property. She continued by saying that before any decision is made she feels that a workshop should be held with anyone who lives in a home that is 50 years or older so that they are made aware of how this will affect their property.

Ms. Hayes reviewed the Chapter 58 changes, which she noted are mostly housekeeping amendments. She provided details of the economic hardship provision (which affects mostly the landmark properties) which was included in the HP ordinance amendments. She said that the requirements have been used by other cities and have not been found to be a burden if an applicant chooses to make such a claim. The HPB is a quasi-judicial board and must have the evidence it needs to make a decision. Language "tweaked" in accordance with the Florida Historic Preservation Law Handbook. Further, applicants who wish to appeal a decision by the HPB can appeal to the City Commission, but must present the same evidence, address the same criteria and be able to justify why the HPB decision was wrong based on fact– not just that they didn't get the outcome they wanted.

Board member qualifications:

The Board continued the discussion regarding board member qualifications. Ms. Hayes reviewed the potential amendment that reinserts the same qualifications that were in the 2001 ordinance. She said that including those amendments would satisfy the qualification criteria for Certified Local Government (CLG) status.

The Board took no action on these items.

Public comments were received from the following people:

Betsy Owens, Casa Feliz, expressed concern with placing limitations on future staff and Boards. She said that she feels that requires subjectivity. She also said that she feels that there have been ample opportunities for public input.

Frankie Elliot, Vice-President of Governmental Affairs, Orlando Realtors Association, spoke concerning the proposed changes to the ordinance.

Aimee Spencer, 1509 Orange Avenue, spoke concerning the public notification process.

No one else wished to speak. Public comment closed.

4. New Business.

The Board members discussed other possible meeting dates in January. Consensus was to have a special meeting on Thursday, January 23, 2014 @ 6:30 p.m. in the Commission Chambers.

5. Adjournment. There was no further business. The meeting adjourned at 10:40 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary



CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

6:30 p.m.
January 23, 2014
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. Chairman Randall Glidden called the special meeting to order at 6:30 p.m.

Present: Chairman Randall Glidden, Rebecca Talbert, Billy Wilson, Louise Sprimont, Genean MacKinnon, Candace Chemtob (arrived at 7:05 p.m.) and Michael Miller (arrived at 7:13 p.m.). Also Present: Robin McKinney, City Attorney. Staff: Sr. Planner Lindsey Hayes and Recording Secretary Lisa Smith.

2. Action Items.

The Board members discussed the following items relating to the Historic Preservation Ordinance review:

- a. Section 28-457. Designation procedures (2) Local historic districts.

Sr. Planner Lindsey Hayes stated that staff is not recommending any substantive changes to the designation process for individual buildings at this time. She said that for discussion purposes, staff 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. Further, 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.

The Board discussion more public outreach on the issues. Chairman Glidden revisited the Sarasota model of owners filing notarized statements of objection. The board discussed the timing of objections either before an HPB hearing or a Commission hearing. Mrs. MacKinnon stated that she would prefer keeping an owner vote and petition. Ms. Talbert commented that a 15% petition may be sufficient to start the process. Ms. Sprimont stated that it should be the intent of the Board to be able to take action. The Board discussed the merits of opinion polling versus a vote during the district hearing process.

Incentives for preservation, Section 58-469(2) and (3) and Division 6. Note Incentives section in the *Preservation Ordinance Comparison* page 4.

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.

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 additional 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.

Mrs. McKinnon asked about energy and water fee incentives. The board discussed the potential for permit rebates and possible tax incentives.

The Board took no action on these items.

Public comments were received from the following people: Dykes Everett, 341 East Webster Avenue; Richard Sullivan, 1362 Richmond Road; Frank Hamner, 405 Balmoral Road; Elizabeth Posner, 350 Carolina Avenue; Nicole Seybold, 800 North Interlachen Avenue; Frank Hamby, 907 Old England Avenue; Sally Flynn, 1400 Highland Road; Scott Peelen, 1555 Lakehurst Avenue; Betsy Owens, 656 North Park Ave; Margaret Cassells, 907 Old England Avenue; Jeffrey Blydenburg, 204 Genius Drive; Lou Nimcoff, 740 Williams Drive; Stephen Pategas, 1425 Berkshire Avenue.

No one else wished to speak. Public comment closed.

A motion was made by Ms. Talbert, seconded by Mrs. Sprimont recommending policy change that staff is to provide an annual report to the Board noting any demolition of individual historic buildings that have been identified on a historic resources survey and that are not in a potential historic district. Mr. Glidden offered the amendment adding that with the report there be an indication of the number of properties that have been

demolished that fall within the 50 year range as well so there is a comparison of the historic properties as well as the total properties in the 50 year range.

City Attorney Robin McKinney pointed out that the Board was not able to take action on this motion and amendment because it has not been public noticed. Consensus of the Board was to bring this issue back on the February agenda with the proper notice.

The Board also discussed time allotments for the February meeting. Mrs. McKinnon thanked the members of the public for coming out and participating in the meeting. Ms. Talbert asked staff to look into the comments made concerning a formal work shop. Ms. Hayes stated that she would look into that and report back to the Board.

3. New Business

Date of Next Meeting: Wednesday, February 12, 2014 at 9:00 a.m.

4. Adjournment. There was no further business. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary

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CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD

Staff Report
March 12, 2014

Historic Preservation Ordinance "Housekeeping" Amendments

The Historic Preservation Board drafted and adopted a number of "housekeeping" ordinance amendments in 2012. The city attorney has reviewed the "housekeeping" amendments and provided additional amendments to bring the ordinance into conformity with the city charter and policies, and with current legal practices.

These draft amendments with legal and policy updates from the city attorney are presented to the board for review and approval. A table with the full ordinance is attached. The draft amendments are shown in red and an explanation is provided in places. The amendments do not include the proposed district designation process amendments from 2012. That process will be discussed separately at a later date. The designation process does include a policy amendment provided by the city attorney as shown in the attached table.

The draft amendments include improved phrasing for general readability, and updated the board and department titles contained in the text. Among other amendments, the modifications return the original 2001 ordinance board member qualifications to the ordinance so that the city can meet the standards for the Certified Local Government (CLG) application. As has been previously discussed, CLG status would allow the city to apply for grants with a much greater likelihood of success. The amendments retitled "standard certificates of review" which only need staff approval and "special certificates of review" which are applications that require a public hearing before the HPB. Clarification is provided for variance requests and reconstruction of destroyed resources.

STAFF RECOMMENDATION: Staff recommendation is for approval.

Historic Preservation Ordinance “Housekeeping” Amendments

**Article VIII.
HISTORIC
PRESERVATION**

Amendment

Justification

Division 1- GENERALLY

Section 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 ~~shall be~~ 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. 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.
- (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.

Historic Preservation Commission becomes Historic Preservation Board, and “HPC” becomes HPB throughout the code.

Section 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 (HPB) staff may approve, approve with conditions, or deny certain types of permit applications for alterations or additions as listed in the HPB rules of procedure and based upon the standards in section 58-469 to an individually designated historic landmark, resource, or property located in a historic district. Staff is not required to grant this review and, at staff's discretion, may require review by the HPB. If the applicant wishes to appeal staff's decision, a complete certificate of review application for the project will then be placed on the HPB agenda.

New definition supporting amendments to Section 58-772 renaming "Standard certificate" to "Administrative review" which better describes the current policy of staff's administrative review of some permit applications such as reroofing with like materials.

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 to a designated landmark or resource or in a ~~specially~~ designated historic site, or district.

Applicant means an individual or group who provides sufficient written information to the city to ascertain that the 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 approval process a written document approved by the Winter Park Historic Preservation Commission Board HPB~~ 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, landmark site, historic resource 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 Commission and for which 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 requires determination by the Historic Preservation Commission before such certificate can be issued.~~

City means the City of Winter Park.

Commemorative historic district means a geographic area which no longer possesses a concentration of historic resources sufficient to become a historic district, but whose history is of historical, social, cultural or archeological significance to be worthy of recognition for its educational value.

Again serving Section 58-772 amendments which replace "Standard certificate" with "Administrative review" for staff's administrative review of some permit items, and "Special certificate of review" with "Certificate of review" for applications that must be reviewed at a public hearing before the HPB.

Definition of new alternative district type.

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.

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.

Historic landmark or resource means any 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.

Historic district means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, 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 Preservation ~~Commission~~ Board (HPB) means the City of Winter Park Historic Preservation ~~Commission~~ Board as created by ~~section 58-441 and 58-442~~ Ordinance Number 2843-11.

Historic survey means the results of a systematic process of identifying significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained

“Historic Preservation Commission” becomes “Historic Preservation Board” and “HPC” becomes “HPB” throughout. This text update also reflects the city-wide board ordinance amendment.

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.

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.

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.

Restoration means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

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

Section 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.

Sections 58-436 – 58-440. Reserved.

**Division 2. HISTORIC
PRESERVATION
COMMISSION-BOARD.**

Section 58-441. 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. This board shall operate and be controlled pursuant to the provisions in Sections 2-46 through 2.49 and Section 2-59.

Section 58-442. ~~Reserved.~~ 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.

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

Sections 58-443 – 58-445. Reserved.

The section titles are reorganized. The board member qualification text from 2001 was inadvertently removed during the citywide board ordinance adoption. The amendment places the text back in the ordinance. This will allow the city to apply for Certified Local Government status and have enhanced grant access for eligible projects.

Section 58-446. Functions Powers and Duties.

The HPCB 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 HPCB to:

- (1) Provide or recommend incentives for historic preservation, and recommend zoning changes needed to achieve the preservation of historic resources;
- (2) Identify potential historic landmarks 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 nominations within the city;
- (4) Develop guidelines based upon the Secretary of the Interior's Guidelines for use in reviewing applications for Certificates of Review. The Secretary of the Interior's Standards for Rehabilitation as revised in 1990 will be used until local guidelines are developed and adopted by the HPCB;
- (5) Review applications for certificates of review for designated landmarks and resources, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement, and contributing and non-contributing properties within designated districts;
- (6) Approve variances, ~~subject to adopted design guidelines~~, that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;

The amendment clarifies that the HPB reviews all alterations to designated buildings and districts as it does now, and adds that the HPB would be the review body for historic properties with city-owned façade or conservation easements.

Variance requests address such a variety of unusual historic conditions that design guidelines would not be applicable.

- (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 HPCB'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.

Ensures that rules of procedure are kept current.

Sections 58-447 - 58-455. Reserved.

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

Section 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 at the national, state or local level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

(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

Added text clarifies that while the well-established National Register criteria are applied to all designations, the historic significance of any property may also be at the state or local level.

criteria at the national, state or local 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.

b. A district must be a legally definable, contiguous 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 and represent the area which completed the process described in section 58-457(2). For the record, the boundaries should be defined by parcels and lots shown on Orange County Property Appraiser's maps.

Clarifies that the boundary for a district may not be split into two parts or have excluded "holes" within the district. Potential adjacent districts may be very similar but still have separate patterns of development.

The boundary should be not be adjusted once a district process is complete, and should be specific. Any additional properties going into an established district would need to complete the process in the code.

Section 58-457. Designation Procedures.

(1) Designation of local historic landmark and resources.

a. Recommendations for nomination for designation of local historic landmarks and resources may be submitted to the Planning and Community Development Department by the property owner, by a vote of the majority of the members of the HPCB, or by a vote of the majority of the members of the city commission, proposing 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

This important amendment, shown highlighted, brings the code into alignment with the Charter and practices of the city. This is the only proposed individual designation process change at this time.

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.

(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% of the district property owners, by a vote of the majority of the members of the HPCB, or by a vote of the majority of the members of the city commission, proposing that the district or neighborhood 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% of the properties within the proposed district. Designation of historic districts shall only be considered by the HPCB subsequent to meetings with district property owners and actions as described in subsections b. and c.

e. A commemorative historic district may be nominated by petition representing 20% of the property owners, by a vote of the majority of the members of the HPB, or by a vote of the majority of the members of the city commission, proposing that the nominated area meets the definition. A historic district that is commemorative and whose designation report does not contain a design review requirement will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2) d.

(3) Decision of the historic preservation ~~commission~~ board. If, after a public hearing, the HPCB finds that the proposed local historic landmark, resource or district meets the criteria set forth in

This important amendment, shown highlighted, brings the code into alignment with the Charter and practices of the city. This is the only proposed district designation process change at this time.

This amendment creates a process to record and recognize a district that has significance but no longer possesses the concentration of historic resources required to become a district under the criteria in Section 58-456(2).

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:

Department titles are updated.

- Planning and Community Development Department
- Building and Permitting Services Department
- Code Compliance
- 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 department division, 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 an 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.

Sections 58-458- 58-465. Reserved.

**DIVISION 4.
CERTIFICATE OF REVIEW**

Section 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.

Section 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 should 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 guidelines the land development code. 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.

Section 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 exterior alterations, additions, demolitions, or relocations of designated historic landmarks, historic resources, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement. The HPCB shall review and render a decision on all applications for ~~special~~ certificates of review for any proposed exterior alterations, additions, demolitions, new construction or relocations within the boundaries of designated historic districts for both contributing and non-contributing properties. The HPCB may approve, approve with 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. Appeals will follow the procedure set forth in section 58-477.

Section 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 certificates of review.

(1) The U.S. Secretary of the Interior's Standards for Rehabilitation as

This text clarifies what is reviewed under the current code and adds that the HPB should be the review body for city owned historic façade and conservation easements.

Added to inform applicants that there is an appeal process in the code.

revised in 1990 are generally the standards by which applications for any Certificate of Review for landmark buildings, sites, districts or neighborhoods 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 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, stormwater 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 58-473 (c).
 - b. All variance requests through the HPCB design review process shall be limited to properties with individual landmark, resource or district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that required 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 notice criteria of Section 58-88 (c) (1) if filed within 15 days of the date of the decision by the HPCB.

The board may consider listing the 10 basic Secretary of the Interior's standards.

Historic properties may not meet the current land development code and thus appropriately placed and reasonable additions may require a variance. Variances may be granted by the HPB as part of the review process but are not automatic and must be justified. The variance should not negatively impact the historic property or the surrounding area. Allowing historic property owners to make their request before one board, the HPB, has been an advantageous incentive for owners seeking to update their historic properties for contemporary use.

- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks and 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 HPCB, however no garage apartment or accessory cottage shall be in a required front setback or closer than five feet to a rear or side line, unless such setback currently exists. ~~, or in a required front setback.~~
 - c. ~~Garage apartments or accessory cottages shall not exceed 1,000 square feet in size. It is desirable that garage apartments or accessory cottages not exceed 750 square feet. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property.~~ 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.

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

Many historic properties are on smaller lots and 750 square feet would fit over a two car garage. That has been what a typical application has asked for. On some properties, larger units might be appropriate as stated.

On street parking is usually limited so the additional dwelling unit should meet the parking requirement on the private property.

these terms and conditions ~~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.~~ **may result in enforcement action by the Code Enforcement Board.**

- (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 revised in 1990 subject to final approval by the HPCB. Guidelines may be reviewed and amended from time to time.
- (5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as revised in 1990.

Section 58-470. Forms.

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

Section 58-471. Delegation of review authority.

HPCB may delegate the authority to appropriate staff members to review and grant administrative ~~standard~~ 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.

Section 58-472. ~~Standard certificates.~~ Administrative design review.

Based upon the standards for rehabilitation, the designation report, a complete application for administrative design review, and any

Accessory dwelling units should not only have on-site parking, but the occupants must use it. The enforcement language has been updated by the City Attorney.

This amendment clarifies the name and process for staff's administrative review of repair, in kind replacement

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 review~~ administrative design 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. The applicant shall have an opportunity to challenge the city's decision by applying for a ~~special~~ certificate of review from the HPB within 15 days of the findings.

Section 58-473. ~~Special certificates.~~ Certificate of Review.

- (a) An applicant for a ~~Special~~ Certificate of Review whether for exterior alteration, addition, restoration, renovation, moving or demolition, 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, 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 appropriate. 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.

and projects that do not impact the historic character of a designated property and would not require a public hearing before the HPB.

Most requests that include complete information can be approved immediately. If staff denies the request, the applicant can apply for a public hearing at a regular HPB meeting.

The historic preservation code acts as an overlay to the existing zoning of any property. This clarification helps to ensure compliance with the land development code and identify any variances.

(b) In the event that the applicant is requesting a ~~special~~ certificate of review for demolition, the HP~~CB~~ shall be provided with the details for the proposed disposition of the site. The HP~~CB~~ 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 HP~~CB~~ 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 ~~thirteen~~ 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 at least 15 days in advance of the meeting~~ 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.

The existing code does not include a time limit and process to extend a time limit.

Section 58-474. Decision of the ~~Commission Board~~.

The decision of ~~the historic preservation commission~~ 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 HPCB finds appropriate. ~~No decision of the HPCB shall result in an inordinate burden for the owner if the HPCB has determined the existence of such burden in accordance with state law.~~ The decision of the HPCB 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 for the ~~to~~-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) 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; or
- (5) Denial of the application and refusal to grant a certificate of review;

Section 58- 475. Time limit.

The historic preservation board 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.

This language is outdated has no legal basis.

This section is reordered for clarity of the decision actions. (4) is the former (5) and vice versa.

Section 58-476. Record.

The decision of the historic preservation ~~commission board~~ 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.

Section 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 on the standards in section 58-469. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to a the courts having jurisdiction over the matter. ~~as provided by the Florida Rules of Appellate Procedure.~~

Currently, there is no fee for an appeal.

These amendments update the legal language.

Section 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 certificates of review previously approved by the HPCB, a new application for a **special** certificate of review shall be required.

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

(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:

- (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.

Section 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 HPCB shall encourage reconstruction when deemed appropriate 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.

Approval of a reconstruction must be based on an accurate reproduction of the destroyed building or structure; otherwise it should be treated as new construction with the appropriate applicable development codes.

Sections 58-481 – 58-490. Reserved.

**DIVISION 5.
ADMINISTRATION AND
ENFORCEMENT**

Section 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 development~~ department director, 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.

Section 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 thirty 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. 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.

Section 58-493. Amendments.

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 HPCB 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.

Section 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.

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

Where the HPCB or city determines that any improvement of a designated historic landmark 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 ~~or neighborhood~~ 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.

Section 58-496. Unsafe structures.

In the event the building official determines that any designated landmark building, historic resource or contributing structure within a designated historic district is unsafe pursuant to the Winter Park 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 Winter Park Building Code.

Section 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.

Section 58-498. Inspections.

The Building and Permitting Department and Code Compliance 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.

Section 58-499. Reserved. Inordinate burden.

~~Nothing in this ordinance 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,~~

This language is being removed because there is no current legal basis for it.

~~such information as may be required to describe those vested rights and the perceived inordinate burden to those rights.~~

Section 58-500. Violations.

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 HPCB. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty otherwise provided in section 2-108.

**DIVISION 6.
TAX EXEMPTIONS FOR
HISTORIC PROPERTIES**

Section 58-511. Scope of tax exemptions.

A method is hereby created for the city commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption may apply to 100 percent of the assessed value of all improvements to historic properties, which result from restoration 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 Constitution. The exemption does not apply to personal property.

Section 58-512. Duration of tax exemptions.

Any exemption granted under this section to a particular property may remain in effect for ten years as specified in the ordinance approving the exemption. The duration of ten (10) 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.

Section 58-513. Eligible properties and improvements.

(a) Property is qualified for an exemption under this section 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 HP~~CB~~ has certified to the city commission that the property for which an exemption is requested satisfies subsection (a) (1).

(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 HP~~CB~~ to meet criteria established in rules adopted by the department of state.

Section 48-514. Applications.

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. All 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 HP~~CB~~ that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HP~~CB~~ 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.

Section 58-515. Required covenant.

To qualify for an exemption the property 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).

Section 58-516. Review by historic preservation commission board. The HPCB or its successor is designated to review 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.

Section 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 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.
- A finding that the historic property meets the requirements of this article.