

Historic Preservation Board



November 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 the October 8 and October 22, 2014 meeting minutes.

Public comments on any business not appearing under action.

2 action

Historic Preservation Ordinance amendments.

4 new business

5 adjourn

The next regular meeting will be 9:00 a.m. Wednesday, December 10, 2014.

appeals & assistance

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

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."

Historic Preservation Ordinance “Housekeeping” Amendments & Committee Recommendations

Article VIII. HISTORIC PRESERVATION	Amendment	Justification
Division 1- GENERALLY	<p>Section 58-433. - Short title; intent and purpose.</p> <p>(a) <i>Short title.</i> This article shall be cited as the Winter Park Historic Preservation Code.</p> <p>(b) <i>Intent and purpose.</i></p> <p>(1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.</p> <p>(2) It shall be <u>is</u> 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 <u>to achieve the following objectives:</u></p> <p><u>(A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;</u></p> <p><u>(B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;</u></p> <p><u>(C) Foster public appreciation of and civic pride in the beauty of the</u></p>	<p>Historic Preservation Commission becomes Historic Preservation Board, and “HPC” becomes HPB throughout the code.</p>

city and the accomplishments of its past;

(D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists and visitors;

(E) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people; and

(F) Stabilize and improve property values within the city.

~~(2) . 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.

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

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

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.

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

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

Certificate of Review means ~~the 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~~

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.

~~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.

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 determined by the HPB to identify significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historic Resources in Tallahassee, Florida.

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

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

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and

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

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

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

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

judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. The board shall be comprised of seven (7) members and one (1) alternate.

(1) At minimum, ~~one~~-two (2) members of the HPB shall be an licensed architects.

(2) At minimum, one(1) additional member shall be a licensed landscape architect.

(3) At minimum, one addition member shall have significant demonstrated experience in planning, historic preservation or land use law.

(4) At mimimun, one additional member shall have significant demonstrated experience in building construction or related areas.

(5) Other members may have experience, expertise or demonstrated interest in one or more of the following areas:

a. ~~Architecture;~~

b-a. ~~History;~~

c-b. ~~Architectural history;~~

d-c. ~~Archaeology;~~

e. ~~Urban planning;~~

f. ~~Landscape architecture;~~

g. ~~Historic preservation;~~

h-d. ~~Real estate~~ including appraisal;

i. ~~Law;~~

j-e. ~~Cultural anthropology;~~

k. ~~Building construction; or related fields;~~

f. May be an owner of a property listed on the Winter Park Register of Historic Places or a contributing property in a district listed on the Winter Park Register of Historic Places.

The consensus on October 22 was the add the highlighted items for consideration.

Sections 58-443 – 58-445. Reserved.

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

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.

with applications for certificates of review;

- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the 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-district~~ nomination, eligibility must be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433 herein and must ~~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-criteria~~ 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 of Historic Places 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.

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.

(2) Historic districts must meet one or more of the National Register 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. At least 50 percent of the sites, buildings, structures or objects in a historic district must meet on or more of the National Register of Historic Places criteria at the national state or local level.

b. A district must be a legally-definable, contiguous geographic area and must cover both sides of any street or comprise all the homes in any cul-de-sac or similar area ~~that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations.~~ 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.

c. If the nomination for designation of a particular district pursuant to Sec. 58-457 (2) below is unsuccessful, no nomination including the designated area shall be presented for nomination for at least six months after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.

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.

Staff recommends the following language for consideration, "and follow the technical guidelines for selecting boundaries used by the National Register of Historic Places."

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.

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, 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 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. Prior to consideration of designation by the HPB, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare ~~Every proposed historic landmark or resource shall have a~~ historic designation report ~~prepared by the city~~ that shall be presented to the HPCB at a regularly scheduled meeting.

c. For each proposed designation of a historic landmark, the

This proposed “housekeeping” amendment would have brought the code into alignment with the Charter and practices of the city. This was the only proposed “housekeeping” individual designation process change

This amendment as included in the “housekeeping” amendments 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.

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 fifteen 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 ~~fifteen~~ thirteen days prior to the hearing.

(2) *Local historic districts.*

a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, ~~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 who~~ propose 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 HPCB subsequent to meetings with district property owners and actions as described in subsections b. and c below.

~~b.~~ Prior to consideration of designation by the HPCB, the city shall first determine if the properties designated meet the criteria for designation. If so, the city shall then mail information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a local historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The

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

city shall facilitate conferences with property owners within the nominated district to discuss 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 in Section 58-456(2).

c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the proposed district. The mailing will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline to vote will also be posted on the city's web site. Property owners of record will be polled, with each property representing one vote. Upon ~~After~~ receipt of a favorable vote representing the ownership of ~~two-thirds~~ a simple majority of the properties within the proposed district, a historic designation report shall be forwarded to the HPCB recommending approval or disapproval of the proposed area as a historic district and citing specific criteria for the decision. ~~A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2)d.~~

d. The nominated historic district shall have a historic designation report that shall be presented to the ~~HPCB~~ at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the proposed district 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 thirteen days prior to the hearing.

e. All properties within a historic district shall be subject to design review.

e.f. Historic building, whether designated individually or as part of a district, may not be demolished without the recommendation of the Historic Preservation Board and the approval of the City Commission.

f.g. Historic homes, whether designated individually or as part of a district, shall be eligible for all applicable incentives as set forth in section 58 XXX.

g.h. A commemorative historic district may be nominated by petition representing 20 percent 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.

Some new incentives may be in fee schedules and policy documents not in an ordinance.

(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 section 58-456 it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark, resource or district shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation.

(4) ~~The city commission shall further direct staff to notify the following of the action with a~~ A copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:

- Planning and Community Development Department
- 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

Department titles are updated.

(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) Should the city deny the request for designation, it shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city website.

~~(6)~~(7) _____ 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 HP~~CB~~, 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.

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.

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.

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

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as 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.
- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic

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.

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 these terms and conditions ~~will be deemed sufficient grounds for the code enforcement board to order the discontinuation of the garage~~

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.

Accessory dwelling units should not only have on-site parking, but the

~~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.~~

occupants must use it. The enforcement language has been updated by the City Attorney.

- (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 additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a

This amendment clarifies the name and process for staff's administrative review of repair, in kind replacement and projects that do not impact the historic character of a designated

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.

(b) In the event that the applicant is requesting a ~~special~~ certificate of review for demolition, the HPCB shall be provided with the

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.

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.

Section 58-476. Record.

The decision of the historic preservation ~~commission board~~ shall be

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.

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 HP~~CB~~ 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 HP~~CB~~. 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 HP~~CB~~ 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 HPCB 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 HPCB 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 HPCB that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HPCB that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
- (5) Other information identified in appropriate Florida Department of State regulations.

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.