

# Historic Preservation Board



**September 15, 2015 at 4:30 a.m.**

Chapman Room • City Hall Second Floor  
401 South Park Avenue • Winter Park, Florida

## 1 administrative

Call to order.

Public comments on any business not appearing under action.

## 2 action

Consider a proposed change to the Historic Preservation ordinance's demolition language to include with the previously approved amendments in preparation for public input.

## 3 adjourn

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

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

5:00 pm Wednesday, October 14, ordinance final review (Commission Chambers)

November 9 City Commission meeting

## appeals & assistance

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

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

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

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

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

- (1)      The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
- (4) The structure ~~contributes to the historic character of~~ is a contributing property in 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.

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

~~(c) Properties subject to b) Should a certificate for demolition be issued on any of the provision of this section are:~~

- ~~1.      Properties designated as historic~~above~~ properties;~~

~~2. Properties that are contributing homes with a designated historic district, or properties within the City which are:~~

~~3. Properties that are at (1) At least 65 years old; and satisfy,~~

~~(2) Satisfy at least two of the following criteria as determined by staff:~~

- ~~i. The property is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark per the criteria set forth in section 58-456 (1).~~
- ~~ii. The property is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.~~
- ~~iii. The property is one of the last remaining examples of its kind in the city.~~

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

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

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

~~(c) During the consideration period, the property owner may consider offered alternatives to demolition which shall include:~~

- ~~(1-) The feasibility of moving or relocating the structure;~~
- ~~(2-) The feasibility of purchasing the structure, either privately or through the use of public funds;~~
- ~~(3-) Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure; or~~

~~4. The (4) A petition for granting of limited variances to promote and protect the historic nature of the structure.~~

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

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

(e) If, within the time before demolition could ordinarily commence under a demolition permit, no meaningful alternatives to demolition have been presented to the property owner, the property owner may notify the HPB staff in writing that no such offers have been received and that all other conditions for demolition have been met and staff shall, within five (5) calendar days of receipt of such notice, notify the property owner that they may proceed with demolition.

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

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

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

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

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

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
- (4) The structure is a contributing property in 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) Should a certificate for demolition be issued on any of the above properties, or properties within the City which are:

- (1) At least 65 years old; and,
- (2) Satisfy at least two of the following criteria as determined by staff:
  - i. The property is of such interest or quality that it would reasonably meet the standards for designation per the criteria set forth in section 58-456 (1).
  - ii. The property is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
  - iii. The property is one of the last remaining examples of its kind in the city.

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

then, in addition to the time provided before demolition may begin in a demolition permit, an additional period of sixty (60) days shall be allowed for the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued.

(c) During the consideration period, the property owner may consider offered alternatives to demolition which shall include:

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

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

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

(e) If, within the time before demolition could ordinarily commence under a demolition permit, no meaningful alternatives to demolition have been presented to the property owner, the property owner may notify the HPB staff in writing that no such offers have been received and that all other conditions for demolition have been met and staff shall, within five (5) calendar days of receipt of such notice, notify the property owner that they may proceed with demolition.

(c) In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPB. A certificate of review may be

denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

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(2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.

(3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.

(4) The structure contributes to the historic character of a designated district.

(5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

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

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

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

1. Properties designated as historic properties;
2. Properties that are contributing homes with a designated historic district; or
3. Properties that are at least 65 years old and satisfy at least two of the following criteria as determined by staff:



- i. The property is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark.
- ii. The property is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- iii. The property is one of the last remaining examples of its kind in the city.
- iv. The property contributes substantially to the historic character of a designated historic district.
- v. Retention of the property contributes substantially to the general welfare of the city by providing an opportunity for the study of local history, architecture or design.

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

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

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

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

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