

# Historic Preservation Board



**October 14, 2015 at 5:00 p.m.**

Commission Chambers • 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

1. Review and accept draft revisions to Chapter 58, Article VIII, "Historic Preservation", for recommendation to the City Commission.
2. Review and accept resolution recommending historic preservation incentives for recommendation to the City Commission.

## 3 adjourn

3:30 p.m. Monday, November 9, 2015 City Commission meeting.

9:00 a.m. Wednesday, November 11, 2015 regular HPB 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."



**CITY OF WINTER PARK  
HISTORIC PRESERVATION BOARD**

**Staff Report  
October 14, 2015**

**Historic Preservation Ordinance**

The Historic Preservation Board began its review of the existing Historic Preservation Ordinance in 2012 with some proposed housekeeping amendments. At the direction of the City Commission in July 2013, the Planning staff has been working on completing the seven tasks assigned by the City Commission as part of this review including at least 20 meetings of the HPB considering amendments and direction. This information as well as the significant input from the community ad-hoc committee, public comments received at the two public forums and well as at the numerous workshops and meetings by the HPB all had a place in this draft.

There are numerous changes proposed to the Ordinance. Significant changes include:

- Updating the objectives and purpose of the ordinance
- Additional definitions and terms providing clarification to the overall ordinance
- Proposed changes in the membership makeup of the Board
- Greater detail in designation criteria for both individual designations and designations of historic districts
- Increased public notice of historic districts including additional mailings, newspaper advertising and posting on the city's website
- A proposed change to the percentage of approval by property owners in a defined area considering a historic district designation
- A proposed change in who can nominate an individual resource for a designation
- Changes to the timeframe for a demolition permit for properties that are listed on the Florida Master Site File Survey

In addition, staff has included a resolution with a list of proposed incentives that may encourage some property owners to consider designating their properties or participating in a historic district. This list is accompanying the resolution for consideration.

The draft is very similar to the one that the Board reviewed at the September 19<sup>th</sup> meeting. The City Attorney has made some modifications to the preamble to reflect a more well-rounded approach to the ordinance as well as marking sure that the changes are all in keeping with the law and our ordinance process. The city attorney will review these changes with the Board at the meeting on October 14<sup>th</sup>.

Staff recommends approving this ordinance and the accompanying resolution with the incentives in its current form and transmitting it to the City Commission for their review and comment.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" TO PROVIDE CLARITY, IMPROVE THE FUNCTIONALITY, AND REVISE THE PROCESS AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD AND STAFF, THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC RESOURCES AND HISTORIC DISTRICTS, THE REGULATION, ADMINISTRATION AND ENFORCEMENT CONCERNING SUCH DESIGNATED LANDMARKS, RESOURCES AND DISTRICTS, AND THE CERTIFICATE OF REVIEW PROCESS; CREATING PROCEDURES FOR THE DEMOLITION OF PROPERTIES IDENTIFIED IN THE FLORIDA MASTER SITE FILE AND HISTORIC SURVEY; AMENDING PROVISIONS REGARDING TAX EXEMPTIONS FOR HISTORIC PROPERTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

**NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:**

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

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

**SECTION 3 - CODIFICATION.** It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to correct scribes' errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

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

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

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

Attest:

\_\_\_\_\_  
Mayor Steve Leary

\_\_\_\_\_  
City Clerk Cynthia Bonham

EXHIBIT A

ARTICLE VIII. - HISTORIC PRESERVATION

FOOTNOTE(S):

-- (9) --

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

DIVISION 1. – GENERALLY

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

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

(b) *Intent and purpose*

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

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

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

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

(Ord. No. 2688-06, § 1, Exh. A (58-433), 10-9-6)



Sec. 58-434. - Definitions.

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

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

*Administrative review* means the process by which the planning and community development director or his/her designee may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the HPB and based upon the standards in section 58-469 to an individually designated property or property located in a designated historic district.

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

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

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

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

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

*City* means the City of Winter Park.

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

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

*Designated property (or designated properties)* means a property or properties that have been designated as historic landmark(s) or historic resource(s) under Division 3 of this Article VIII.

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

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

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

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

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

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

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

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

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

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

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

*Ordinary repairs and maintenance* means any:

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

Property means land and the buildings and improvements on it.

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

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

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

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

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

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

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

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

Sec. 58-435. - Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

(Ord. No. 2688-06, § 1, Exh. A (58-435), 10-9-06)

Secs. 58-436—58-440. - Reserved.

FOOTNOTE(S):

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

DIVISION 2. - HISTORIC PRESERVATION BOARD

Secs. 58-441—58-444. - Reserved.

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

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

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



Sec. 58-446. Qualifications.

Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. The board shall be comprised of seven (7) members and one (1) alternate, all of whom must be city residents.

- a. One member shall be a licensed architect; and
- b. One member versed in local history; and
- c. One member who owns or lives in a designated resource or district.

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

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

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

(12) Perform any other function that may be designated by the city commission.  
(Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Secs. 58-4478—58-455. - Reserved.

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

Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must ~~have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties.~~ be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433, herein and be based on the establishment of historic contexts or themes that describe the historical relationship of the properties. The eligibility of any potential historic landmark, resource or district shall be supported by meeting ~~one or more applicable~~ criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

~~(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:~~

(1) The criteria for the designation of historic landmarks and historic resources are as follows:

a. A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations; and

~~b. That are associated with events that have made a significant contribution to the broad patterns of our history; or~~

~~c. That are associated with the lives of persons significant in our past; or~~

~~d. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or~~

~~e. That have yielded, or may be likely to yield, information important in prehistory or history.~~

b. At least one of the following:

i. That are associated with events that have made a significant contribution to the broad patterns of our history; or

ii. That are associated with the lives of persons significant in our past; or

iii. That embody the distinctive characteristics of a type, period, or method of construction; or

iv. That represent the work of a master; or

v. That possess high artistic values; or

- vi. That represent a significant and distinguishable entity whose components may lack individual distinction; or
- vii. Those have yielded, or may be likely to yield, information important in prehistory or history.

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

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

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

Sec. 58-457. - Designation procedures.

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

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

- a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by the property owner(s), ~~the HPC, or a city commission member~~ who believes(s) that the property meets the criteria for listing as set forth in section 58-456. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include written authorization by the property owner(s). ~~A recommendation for nomination that does not include the property owner(s) authorization shall not proceed.~~

- b. ~~Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPC at a regularly scheduled meeting. Prior to consideration of designation, the city shall first determine if the property sought to be designated meets the criteria for designation. If so, the city shall prepare a historic designation report that shall be presented to the HPB at a regularly scheduled meeting.~~
- c. For each proposed designation of a historic landmark or resource, the City is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark or resource at least 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

*(2) Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, half of whom shall be owners of individually designated historic homes in the proposed district, or owners of contributing homes in the proposed district by any member of the HPC, or by a city commission member, who believes that the district meets the criteria for listing as set forth in section 58-456. The nomination proposal shall include a description of the proposed boundaries of the district, and a brief statement explaining setting forth: (i) that at least 50% of the homes in the proposed district are individually designated historic homes or contributing homes; (ii) explaining its historic, cultural, aesthetic or architectural significance, (iii) the specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and (iv) including a the required petition representing the ownership of at least 20 percent of the properties within the proposed district as described above. Designation of historic districts shall only be considered by the 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 facilitate conferences with the property owners within the nominated district to discuss the following: first determine if the proposed district meets the criteria for designation as set forth in the petition. If so, the city shall then prepare a historic designation report which shall analyze and report upon: 1) the historic designation report (2) proposed boundaries, 3) 2) contributing and non-contributing buildings and elements, 3) district goals, 4) design guidelines to include district alteration criteria, and 5) results effects of designation and 6) available incentives. The city shall then mail the report and other necessary information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The city shall then facilitate conferences with property owners within the nominated district to discuss the proposed district.
- c. After informational meetings have concluded, the city will mail a summarized final historic designation report to every property owner of record in the nominated district as of that date. The report will describe the voting process including a 14 day deadline to respond. The final report, voting process and deadline will also be posted on the city's web site. Property owners of record will be polled, with each property representing one vote. Upon receipt of a favorable vote representing the ownership of two-thirds fifty-eight percent (58%) of the properties within the nominated proposed district, a historic designation report shall be forwarded to the HPCB recommending



approval or disapproval of the nominated area as a historic district based upon the vote received and citing any other specific criteria for the decision. A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2) d.

- d. The nominated historic district shall have a historic designation report that shall be presented to the HPCB at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation ~~in the city and county~~ at least 15 days prior to the hearing.
- (3) Decision of the ~~HPB historic preservation commission~~. If, after a public hearing, the HPCB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark ~~or~~ 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. The designation of a historic district shall only be created following the adoption of an ordinance of the city commission approving such designation. The city commission shall have final decision making authority over whether to approve or deny any request for designation under this division.
  - (4) ~~The city commission shall further direct staff to notify the following of the action with a~~ A copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:
    - Planning and Community Development Department  
(all divisions)
    - Building and Permitting Services Department
    - Code Compliance Division
    - City Clerk
    - Public Works Department
    - Owners of the affected property and other parties having an interest in the property, if known
  - (5) Following the published date of a public hearing before the HPCB, no permits shall be issued by the Building and Permitting Services Department, except for permits that do not require the review of the HPCB, for any new construction, exterior alterations, rehabilitation, restoration, renovation, addition, relocation, moving, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:
    - The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
    - The historic designation is denied by the city commission; or
    - The property owner has applied for an accelerated approval of a certificate of review



prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.

- (6) Historic landmarks, resources or districts shall be formed as ~~a special an~~ overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.
- (7) Should the city commission deny a request for historic district designation, the city shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city web site.

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

Secs. 58-458—58-465. - Reserved.

#### DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-466. - Purpose.

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

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

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

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

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

Sec. 58-468. - Review requirement.

The HPCB shall review and render a decision during an advertised public hearing on applications for ~~special~~ certificates of review for any proposed new construction, exterior alterations, rehabilitation, restoration, renovation, addition, demolitions, or relocations of designated historic landmarks, resources, contributing and noncontributing resources within historic districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement in keeping with the applicable design guidelines. ~~The HPB shall review and render a decision on all applications for special certificates of review for any proposed exterior alterations, demolitions, new construction or relocations within the boundaries of designated historic districts.~~ The HPCB may approve, approve with conditions—recommendations, or deny an

application. For reconstructed buildings that have been permitted pursuant to section 58-4802, the provisions of this section shall still apply.

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

Sec. 58-469. - Guidelines for review.

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

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1999~~ are generally the standards and guidelines by which applications for any certificate of review for historic buildings, sites, or districts are to be measured and evaluated. The HPCB may recommend additional standards to preserve and protect special features unique to the city or may recommend amending any existing guidelines to the city commission.
- (2) Variances to achieve the design review standards for historic preservation may be granted from the land development code requirements ~~as may be appropriate to achieve the design review standards for historic preservation for the purposes of this ordinance, provided the variance does not negatively affect the character of the area and with good cause shown.~~ These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, storm water retention, and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.
  - a. When a variance or exception is considered, the application shall comply with the notice standards listed in subsection ~~58-88(e)(2) 58-89(c)(2)~~.
  - b. All variance requests through the HPCB ~~design certificate of~~ review process shall be limited to properties with individual landmark, resource or historic district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that requires a variance.
  - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPCB shall be taken to the city commission after following the notice criteria of subsection ~~58-88(e)(1) 58-89(c)(2)~~ if filed within 15 days of the date of the decision by the HPCB.
- (3) The HPCB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, or ~~to on~~ properties in a designated historic district.
  - a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage.
  - b. Building setbacks shall be determined by the HPCB, however no garage apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such setback currently exists, or may be in a required front setback.
  - c. It is desirable that garage apartments or accessory cottages not exceed 750 square feet of living area. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property. ~~Garage apartments or accessory cottages shall not exceed 1,000 square feet in size.~~

- d. Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may utilize a separate electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.
  - e. Tenants must be provided on-site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on-site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions may result in enforcement action by Code Compliance. Will be deemed sufficient grounds for the code enforcement board to order the discontinuation of the garage apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion
- (4) Each designated historic district may adopt specific district guidelines for design review based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised in 1990-subject to final approval by the HPCB
  - (5) Local guidelines for design review may be adopted based upon the U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised in 1990.
- (Ord. No. 2688-06, § 1, Exh. A (58-446), 10-9-06)

Sec. 58-470. - Forms.

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

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

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

The planning and community development director or his/her designee may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the HPB and based upon the standards in Section 58-469 to an individually designated property or property located in a designated historic district. The planning and community development director or his/her designee is not required to grant this administrative review and may require review by the HPB. Further, the HPCB may delegate the authority to the planning and community development director or his/her designee appropriate staff members to review and grant standard administrative certificates of review without referral to the HPCB and without a public hearing in the case of certain types of applications, which the HPCB shall determine in advance. If the applicant wishes to appeal planning and community development director's or his/her designee's decision, a complete certificate of review application for the project will then be placed on the HPB agenda.

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

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

Based upon the standards for rehabilitation, the designation report, a complete application for a building permit standard certificates of review, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for a standard certificate of administrative review prior to the issuance of a building permit. The decision

shall be based upon the standards in section 58-469(1). The findings of the city shall be mailed to the applicant within three days of the city's decision accompanied by a statement in full regarding the decision unless delivered in person. The applicant shall have an opportunity to challenge the decision to deny the application by applying for a special certificate of review within 15 days of the findings.

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

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

- (a) An applicant for a special certificate of review whether for new construction, exterior alteration, addition, rehabilitation, restoration, renovation, addition, moving or demolition, or relocation shall submit an application to the HPCB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPCB to fully describe the proposed appearance, materials and architectural design of the building(s), other outbuildings and site plan. The application shall include floor area ratio, impervious lot coverage and height and setback calculations as well as landscape and hardscape plans if applicable. The applicant shall provide adequate information to enable the HPCB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.
- (b) In the event that the applicant is requesting a special certificate of review for demolition, the HPCB shall be provided with the details for the proposed disposition of the site. The HPCB may require architectural drawings, financial plans or other information regarding any proposed new construction. Proposed demolitions shall be reviewed subject to the considerations in section 58-479.
- (c) The HPCB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least 13 ~~45~~ days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one year extension may granted by the HPB upon good cause.

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

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

The decision of the HPB historic preservation commission shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPCB finds appropriate. No decision of the HPC shall result in an inordinate burden for the owner if the HPB has determined the existence of such burden in accordance with state law. The decision of the 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 ~~to~~ for the preservation of the building or site and those recommendations shall be placed on the ~~consent~~ agenda of the soonest possible planning and zoning ~~commission~~ [board](#) meeting
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a [special](#) certificate of review with a deferred effective date of up to 12 months from the date of the [HPCB's](#) decision at a public hearing in cases of demolition or moving of a significant building.

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

#### Sec. 58-475. - Time limit.

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

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

#### Sec. 58-476. - Records.

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

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

#### Sec. 58-477. - Appeals.

- (a) Any substantially affected party may appeal any decision of the [HPCB](#) to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the [city's](#) schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.
- (b) The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. [The appeal shall be a de novo appeal.](#) The city commission may affirm, modify or reverse the [HPCB's](#) decision [based upon the standards in section 58-469 and guidelines in section 58-479.](#) The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts [having jurisdiction over the matter. as provided by the Florida Rules of Appellate Procedure.](#)

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



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

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

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

Sec. 58-479. - Guidelines for ~~issuance—D~~demolition of designated properties or properties within historic districts. , and construction, excavation or other disturbance in archaeological zones.

~~(a)~~ In addition to all other provisions of this article, in determining whether to approve or deny a application involving the demolition of designated properties or properties located within designated historic districts, 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.

Sec. 58-480. - Identified interred archaeological site.

~~(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.

Sect. 58-481. – Procedure for demolition of properties identified in the Florida Master Site File or the Historic Survey.

Applications requesting the demolition of properties that are identified in the Florida Master Site File or the Historic Survey as potential candidates for the National Register of Historic Places but are not designated properties or properties within historic districts, shall comply with the procedures of this section.

(1) Upon receipt of a complete application for a demolition permit, for properties found in the Historic Survey as potential candidates for the National Register of Historic Places, the city shall have no less than ninety (90) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this minimum 90 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of 90 day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 90 day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) Upon the city's receipt of a complete application for a demolition permit of properties that are identified in the Florida Master Site File, the city shall have no less than sixty (60) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this minimum 60 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the minimum 60 day period and the purpose of such. During this 60 day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.

(3) During the consideration period set forth under subsection (1) and (2), the following alternatives to demolition should be considered:

- (i) The feasibility of moving or relocating the structure;
- (ii) The feasibility of purchasing the structure, either privately or through the use of public funds;
- (iii) 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.

(4) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to subsection (3) (iii) 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.

(5) If after the expiration of the applicable consideration period under subsection (1) and (2), the property owner notifies the HPB staff in writing that no alternatives to demolition that are acceptable to the property owner have been presented, provided that all other requirements and conditions of its application for a demolition permit have been met, the city shall proceed to issue a demolition permit in accordance with its standard procedures. At any time after a complete application for demolition permit is received, the HPB staff may waive the remaining time under the applicable consideration period under subsection (1) and (2) if the HPB or the HPB staff determines that no meaningful alternatives to demolition exist or will be proposed to the property owner.

(6) For good cause shown, and with the agreement of the property owner, the consideration periods under subsection (1) and (2) may be extended for an additional sixty day (60) day period. The time limit under sec. 58-475 does not apply to demolition permits under this section.

(7) The criteria set forth in Sec. 58-479 do not apply to applications for demolition permits under this section. The HPB does not have the authority to approve or deny an application for demolition permit under this section.

(8) The provisions of this section shall be supplemental to any other requirements and conditions applicable to applications for and permits issued concerning the demolition of properties.

Sec. 58-~~480~~482 - Reconstruction of destroyed historic landmarks.

The ~~loss~~ 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 and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the original building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

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

Sec. 58-~~481~~483—58-489. - Reserved.

DIVISION 5. - ADMINISTRATION AND ENFORCEMENT

Sec. 58-490. Incentives.

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

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

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

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

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

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

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

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

- g. A review of any survey and inventory activity with a description of the system used.
- h. A program report on each grant-assisted activity.

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

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

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

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

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

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

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

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

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

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

Sec. 58-496. - Unsafe structures.

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

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



Sec. 58-497. - Emergency conditions.

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

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

Sec. 58-498. - Inspections.

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

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

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

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

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

Sec. 58-500. - Violations.

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

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

Secs. 58-501—58-5109. - Reserved.

#### DIVISION 6. - TAX EXEMPTIONS FOR HISTORIC PROPERTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Consistent with the United States Secretary of the Interior's Standards for Rehabilitation and/or local design guidelines for historic preservation, and
- (2) Determined by the HPCB to meet criteria established in rules adopted by the department of state [if the city is a Certified Local Government, or by the Department of State Division of Historic Resources.](#)

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

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

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

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

Sec. 58-514. - Applications.

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

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

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

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

Sec. 58-515. - Required restrictive covenant.

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

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

Sec. 58-516. - Review by the HPCB ~~historic preservation board~~.

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

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

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

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

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

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



## CURRENT ADOPTED HISTORIC PRESERVATION ORDINANCE

### ARTICLE VIII. - HISTORIC PRESERVATION<sup>(9)</sup>

#### Footnotes:

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

#### DIVISION 1. - GENERALLY

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

- (a) Short title. This article shall be cited as the Winter Park Historic Preservation Code.
- (b) Intent and purpose
  - (1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.
  - (2) It shall be the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation. Furthermore, it is the purpose of this article to strengthen the economy of the city by stabilizing and improving property values in historic areas, and to encourage new buildings and development that will be harmonious with existing historic buildings and districts.
  - (3) In addition, the provisions of this article will assist the city and private property owners to be eligible for federal tax incentives, federal and state grant funds, property tax abatement, and any other incentive programs for the purpose of furthering historic preservation activities.

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

##### Sec. 58-434. - Definitions.

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

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

**Alteration** means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving exterior changes in form, texture, materials or color, or any such changes in appearance in a 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 a written document approved by the Winter Park Historic Preservation Commission allowing an applicant to proceed with approved exterior alterations, relocation, new construction, or demolition of, or other work to, a designated landmark building, historic resource, landmark site or property in a historic district, following a determination of the proposal's suitability to applicable criteria.

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

City means the City of Winter Park.

Contributing element means a building or structure that contributes to the historic significance of a district, which by location, design, setting, materials, workmanship, feeling, and/or association adds to the district's sense of time, place and historic development.

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, nevertheless contribute to the overall visual character of the district.

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

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 by the Bureau of Historic Resources in Tallahassee, Florida.

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

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

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

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

Ordinary repairs and maintenance means any:

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

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.

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

Sec. 58-435. - Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

(Ord. No. 2688-06, § 1, Exh. A(58-435), 10-9-06)

Secs. 58-436—58-440. - Reserved.

DIVISION 2. - HISTORIC PRESERVATION BOARD<sup>101</sup>

Footnotes:

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

Secs. 58-441—58-444. - Reserved.

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

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

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

Sec. 58-446. - Functions, powers and duties of the historic preservation board.

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

- (1) Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.
- (2) Identify potential historic landmarks 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 HPB;
- (5) Review applications for certificates of review for designated landmarks, resources, and property within designated districts;
- (6) Approve variances that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;
- (10) Attend relevant educational meetings, workshops and conferences;
- (11) Adopt rules of procedure, which will be available for public inspection; and
- (12) Perform any other function that may be designated by the city commission.

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

Secs. 58-447—58-455. - Reserved.

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

#### Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties. The eligibility of any potential historic landmark, resource or district shall be supported by meeting one or more criteria based upon the National Register of Historic Places guidelines for evaluation. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

- (1) The National Register criteria for evaluation requires that the quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:
  - a. That are associated with events that have made a significant contribution to the board patterns of our history; or
  - b. That are associated with the lives of persons significant in our past; or
  - c. That embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - d. That have yielded, or may be likely to yield, information important in prehistory or history.
- (2) Historic districts must meet one or more of the National Register criteria. A district shall possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.
  - a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties. A significant concentration may be represented by 60 percent of the sites, buildings, structures or objects that contribute to the historic context of the district.
  - b. A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. The boundaries must be based upon a shared relationship among the properties constituting the district.

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

#### Sec. 58-457. - Designation procedures.

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

- (1) Designation of local historic landmarks and resources.
  - a. Recommendations for nomination for designation of individual local historic landmarks and resources may be submitted to the planning and community development department by



the property owner, the HPC, or a city commission member who believes that the property meets the criteria for listing as set forth in section 58-456. The proposal shall include a legal description or address of the property, a brief statement regarding its historic, cultural, aesthetic or architectural significance, and must include authorization by the property owner(s). A recommendation for nomination that does not include the property owner(s) authorization shall not proceed.

- b. Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPC at a regularly scheduled meeting.
- c. For each proposed designation of a historic landmark or resource, the City is responsible for mailing a notice of public hearing to all property owners of record on the latest Orange County tax roll within a 500-foot radius of the proposed landmark at least 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

(2) Local historic districts.

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the district property owners, by any member of the HPC, or by a city commission member, who believes that the district meets the criteria for listing as set forth in section 58-456. The proposal 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 HPC subsequent to meetings with district property owners and actions as described in subsections b. and c. below.
- b. Prior to consideration of designation by the HPC, the city shall facilitate conferences with 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.
- c. Upon receipt of a favorable vote representing the ownership of two-thirds of the properties within the proposed district a historic designation report shall be forwarded to the HPC. A historic district that is commemorative in nature only and whose designation report does not require design review will not require a vote of the property owners, but shall require a public hearing as described in section 58-457(2)d.
- d. The nominated historic district shall have a historic designation report that shall be presented to the HPC at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.

- (3) Decision of the historic preservation commission. If, after a public hearing, the HPC finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark, resource or district, shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation.

- (4) The city commission shall further direct staff to notify the following of the action with a copy of the resolution(s) designating the historic landmark district and the adopted guidelines for review:
  - Planning and community development department (all divisions)
  - 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 HPC, no permits shall be issued by the building division, except for permits that do not require the review of the historic preservation commission, for any new construction, exterior alterations, moving, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:
  - The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
  - The historic designation is denied by the city commission; or
  - The property owner has applied for an accelerated approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.
- (6) Historic landmarks, resources or districts shall be formed as a special overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.

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

Secs. 58-458—58-465. - Reserved.

#### DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-466. - Purpose.

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

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

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

Before entering binding commitments or incurring substantial expense in the preparation of plans, surveys and other data, and before submitting an application for a certificate of review, an applicant shall confer with the city 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. In no case shall any statement or representation made prior to the official application review be binding on the HPC, the city commission or any city departments.

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

**Sec. 58-468. - Review requirement.**

The HPC shall review and render a decision during an advertised public hearing on applications for special certificates of review for any proposed exterior alterations, demolitions, or relocations of designated historic landmarks. The HPC shall review and render a decision on all applications for special certificates of review for any proposed exterior alterations, demolitions, new construction or relocations within the boundaries of designated historic districts. The HPC 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.

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

**Sec. 58-469. - Guidelines for review.**

In adopting guidelines for review. It shall be the intent of the HPC 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 HPC, regarding applications for standard certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as revised in 1990 are the standards by which applications for any certificate of review for historic buildings, sites, or districts are to be measured and evaluated. The HPC 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 may be granted from the land development code requirements as may be appropriate to achieve the design review standards for historic preservation. These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, 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:
  - a. When a variance or exception is considered, the application shall comply with the notice standards listed in subsection 58-88(c)(2).
  - b. All variance requests through the HPC 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 HPC shall be taken to the city commission after following notice criteria of subsection 58-88(c)(1) if filed within 15 days of the date of the decision by the HPC.
- (3) The HPC may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, or to properties in a designated historic district. 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. Building setbacks shall be determined by the HPC, however no garage

apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such setback currently exists, or in a required front setback. Garage apartments or accessory cottages shall not exceed 1,000 square feet in size. 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. 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 apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion.

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

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

Sec. 58-470. - Forms.

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

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

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

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

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

Sec. 58-472. - Standard certificates.

Based upon the standards for rehabilitation, the designation report, a complete application for standard certificates of review, and any additional plans, drawings or photographs to fully describe the proposed alteration, the city shall within 15 business days from the date a complete application has been filed, approve, approve with conditions or deny the application for a standard certificate of review. 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 decision by applying for a special certificate of review within 15 days of the findings.

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

Sec. 58-473. - Special certificates.

- (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 HPC accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPC to fully describe the proposed appearance, materials and architectural design of the building, other outbuilding and site plan. The applicant shall provide adequate information to enable the HPC 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 HPC shall be provided with the details for the proposed disposition of the site. The HPC 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 HPC 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 15 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property.

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

**Sec. 58-474. - Decision of the commission.**

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

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

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

**Sec. 58-475. - Time limit.**

The historic preservation commission 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 HPC.

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



Sec. 58-476. - Records.

The decision of the historic preservation commission shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPC or the HPC'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 HPC's notice shall provide an adequate written explanation of its decision. The HPC shall keep a written record showing its action on each application considered.

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

Sec. 58-477. - Appeals.

- (a) Any substantially affected party may appeal any decision of the HPC 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 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 city commission may affirm, modify or reverse the HPC's decision. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts as provided by the Florida Rules of Appellate Procedure.

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

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

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

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

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

- (a) In addition to all other provisions of this article the HPC 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 an 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 HPC 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 HPC. 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. 58-480. - 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 HPC shall encourage reconstruction when deemed appropriate.

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

Sec. 58-481—58-490. - Reserved.

**DIVISION 5. - ADMINISTRATION AND ENFORCEMENT**

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

The HPC 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, Chief planner, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPC meeting in which to comment on or object to the listing of a property in the National Register.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

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

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

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

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

Sec. 58-493. - Amendments.

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 HPC has issued a certificate of review for demolition or moving of the improvement or feature of principal historic significance on a historic landmark site, the historic classification may be changed through the amendment process.

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

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

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

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

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

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

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

**Sec. 58-496. - Unsafe structures.**

In the event the building official determines that any designated building or contributing structure within a designated historic district is unsafe pursuant to the Winter Park Building Code, he or she shall immediately notify the HPC 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 HPC. The HPC 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.

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

**Sec. 58-497. - Emergency conditions.**

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

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

**Sec. 58-498. - Inspections.**

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

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

**Sec. 58-499. - Inordinate burden.**

Nothing in this article shall cause an inordinate burden to a property owner's existing use of real property or a vested right under 1995 Fla. Laws Ch. 95-181, § (1-2), the Bert J. Harris, Jr. Private Property Rights Protection Act. An ordinate burden to a property owner's existing use of real property or a vested right may not be considered unless an application for a certificate of review for a designated

property has been denied. In any instance where there is a claim of an inordinate burden to existing use of real property or vested rights, the owner shall submit, by affidavit, to the commission at least 30 days prior to a public hearing, such information as may be required to describe those vested rights and the perceived inordinate burden to those rights.

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

Sec. 58-500. - Violations.

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

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

Secs. 58-501—58-510. - Reserved.

#### DIVISION 6. - TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Sec. 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.

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

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

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

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

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



- (a) Property is qualified for an exemption under this section 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 HPC 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 HPC to meet criteria established in rules adopted by the department of state.

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

**Sec. 58-514. - 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 HPC that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HPC 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.

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

**Sec. 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).

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

Sec. 58-516. - Review by historic preservation commission.

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

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

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

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

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

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



**CITY OF WINTER PARK  
HISTORIC PRESERVATION BOARD**

**Staff Report  
October 14, 2015  
(first presented August 12, 2015)**

**Historic Preservation Incentive Background**

**Justification.** Since a historic preservation article was added to Winter Park's Land Development Code in 2001, the City has offered incentives to individual owners who list their properties in the Winter Park Register of Historic Places and owners in designated local historic districts. Under the code, individual owners are responsible for bringing their property forward for listing in the Winter Park Register of Historic Places, and the city wants to encourage this for the welfare of the community. The many and varied benefits of preserving community's historic properties has been widely documented, and for a city that is recognized for its special sense of place like Winter Park, it is especially important to preserve and promote its modest number of character defining historic resources.

Preserving and advocating for Winter Park's historic properties is consistent with Comprehensive Plan Future Land Use Objective 1.3.12. Winter Park's historic downtown and neighborhoods distinguish it from surrounding cities and set it apart as a cultural tourism destination. The historic development of Winter Park provides the foundation for the city's excellent quality of life for its residents. The community has benefited from the protection of historic resources while accommodating beneficial growth and revitalization.

Recognizing that Winter Park's historic resources are unique assets for the entire community, the existing and proposed incentives offer a variety of programs to maximize the public and private benefits of preservation. Incentives encourage appropriate preservation practices, and support effectively keeping historic resources in active use. Public policies that favor preservation and financial and technical benefits that offset the necessary regulation that comes with historic designation encourage owners to maintain and preserve their vintage properties.

**Recommended Incentives.** Though the historic preservation program first adopted in 2001, Winter Park provides assistance to meet the needs of properties listed in the Winter Park Register of Historic Places. The task assigned by the City Commission includes recommending additional incentives. All the existing and proposed incentives apply to buildings listed in the Winter Park Register of Historic Places to ensure that public services and funds are used for the preservation of historic properties. The variety of existing and proposed incentives falls into four general categories:

- Technical
- Educational/Promotional
- Development
- Financial

It will not be possible to immediately implement all the proposed incentives, but the recommendations can be phased in as policies, programs and funding mechanisms are developed further following direction from the City Commission. Some new incentives can be implemented quickly; relying on staff time and expertise and low budget impacts.

**Technical Assistance.** Some assistance is both educational and technical such as providing incentives property owners with information and staffs' expertise relating to the maintenance, repair, rehabilitation or reuse of designated historic properties. At modest cost, a resource guide and library of materials for the maintenance, repair and restoration of historic properties can be made available to the public. Staff technical expertise could be made available to inspect historic properties, develop building assessments and help develop preservation plans.

**Educational/Promotional.** The existing plaque program has proved very popular with owners and builds awareness of the city's variety of historic resources. A newsletter similar to the Lakes & Waterways newsletter would spotlight different historic resources and aspects of local history as well as provide information and advice to the owners of historic properties. Self-guided walking tours of downtown and residential neighborhoods could be developed using technology such as QR codes. Regular walking tours led by staff and volunteers could also be offered to build awareness and appreciation of local history and architecture. Educational programs could also explain how the "greenest" building is the one already existing, and how to improve the sustainability of historic buildings.

**Development.** The ability to add or activate an accessory dwelling unit such as a garage apartment has been fairly popular. It not only offers owners an income producing opportunity, but it creates additional housing opportunities while preserving historic resources. The existing ordinance allows owners of historic properties to make variance requests to the Historic Preservation Board for appropriate designs for additions. Historic properties often do not meet current zoning requirements but don't meet a hardship definition, thus appropriate additions require a variance. This has been attractive to owners as a means to keep historic properties in contemporary use, and streamlines the certificate of review process.

**Financial.** The City does not charge for listing properties on the Winter Park Register of Historic Places or for a certificate of review. The existing local code and state statutes allow tax valorum tax benefits for major restoration of historic properties that would otherwise add to taxable value. Given the limits on increasing taxes on homestead properties and the paperwork procedures, this has not attracted consideration. The proposed new ad valorum tax credit would apply to a portion of the taxes paid by a well preserved historic commercial or multi-family building in public view. The amount of local tax reduction would be made on a case by case basis.

The city could rebate the portion of building permit fees charged for historic property projects as an incentive to rehabilitation. The city can and has received the donation of historic façade easements which may allow owners a federal tax benefit. The city could also explore the option to buy preservation easements that would permanently protect historic properties but in that case would not include tax benefits for owners. The city could also offer rehabilitation grant for property improvements. The grants could focus on electrical system, plumbing, heating and cooling and fire suppression to ensure the longevity and safety of historic structures. The city could offer electric undergrounding to historic

property owners at no charge. Historic districts could be offered period appropriate decorative streetlights at no charge.

The City could consider a transfer of development rights (TDR) program for historic commercial properties in the downtown area. Policies would have to be developed to determine what properties have development potential to transfer, and a receiving area to accept the additional development would have to be determined. For exceptional historic properties that are threatened, the City could buy them and resell with a preservation plan to an appropriate owner.

The new financial incentives could be funded through a historic preservation reinvestment fund dedicated to providing financial assistance to designated historic properties. The funds could come from a small fee charged to new construction and/or an annual budget.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, ACCEPTING RECOMMENDATIONS FOR INCENTIVES FOR HISTORIC PRESERVATION FROM THE HISTORIC PRESERVATION BOARD.**

**WHEREAS**, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

**WHEREAS**, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well-being and quality of life of the citizens of Winter Park; and

**WHEREAS**, Chapter 58, Article VIII. Historic Preservation includes monetary and non-monetary incentives for historic preservation; and

**WHEREAS**, as directed by the City Commission of the City of Winter Park, the Winter Park Historic Preservation Board is recommending additional monetary and non-monetary incentives to encourage and support historic preservation;

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Winter Park, Florida that:

The City Commission of the City of Winter Park hereby supports and endorses the recommended incentives for historic preservation from the Historic Preservation Board in Exhibit A.

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

\_\_\_\_\_  
Steve Leary, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Historic Preservation Incentive Guide

Status	Incentive	Type	Cost	Comments
Existing	Plaque program	Promotion/Educational	Budget	Offered to owners of designated properties
Existing	Accessory dwelling unit	Development	No cost	Single Family residential bonus ADU
Existing	Ad valorem tax residential rehabilitation	Financial	Property specific	Offered for major rehabilitation projects for 10 year period
Existing	HPB variance review	Development	No cost	No owner cost or hardship requirement for appropriate design
Existing	FL Building Code flexibility	Development	No cost	Flexibility allowed by the FBC for designated properties
Existing	No fee for designation or Certificate of Review	Financial	Staff time	No application fees charges to owners
Existing	Preservation easement donation	Financial	Project specific	City can receive preservation easements that may give owners tax benefits
Proposed	Preservation easement purchase	Financial	Project specific	City could purchase future development rights
Proposed	Ad valorem tax commercial preservation	Financial	Property specific	For commercial properties in public view and case by case basis
Proposed	HP resource guide	Educational/Technical	Staff time	Located at WPPL and/or City Hall
Proposed	HP resource library	Educational/Technical	Budget	Located at WPPL and/or City Hall
Proposed	HP newsletter	Educational/Promotional	Staff time and printing costs if in print	Highlights properties and provides technical information
Proposed	Walking tours	Educational/Promotional	Staff time and printing costs if in print	Could be in partnership with HP organizations
Proposed	Illustrated design guidelines	Educational/Development	Budget	Provides illustrated guidelines for appropriate rehabilitation and infill development
Proposed	Building assessment	Technical	Staff time	Assist owners in preservation planning to a

				greater and more technical degree
<b>Proposed</b>	Reduced permit fees	Financial	Rehabilitation specific	Amend fee schedule to rebate city portion of permitting fees
<b>Proposed</b>	Expedited plan review and inspection	Development	Staff time	Involves both Planning and Building departments
<b>Proposed</b>	Transfer of density (TOD) for commercial properties	Development	No cost	Requires a policy and receiving area to accept additional density/intensity from downtown
<b>Proposed</b>	Preservation investment fund	Financial	Project specific	% of construction costs reserved for preservation activities. Establish Commission policy.
<b>Proposed</b>	Rehabilitation grants	Financial	Project and budget specific cost	Establish Commission policy and program
<b>Proposed</b>	Undergrounding electric building to main line	Financial	Budget	Estimated to be about a \$3,000 benefit
<b>Proposed</b>	Period appropriate streetlights for districts	Financial	Budget	Adds property value and pedestrian safety to walkable historic neighborhoods
<b>Proposed</b>	City acquisition	Financial	Property specific	Establish Commission policy for unique and threatened properties