

Historic Preservation Board



February 11, 2015 at 9:00 a.m.

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

1 administrative

Call to order and approval of the January 14, 2015 meeting minutes.

Public comments on any business not appearing under action.

2 action

- 1) HDA 15-001 Request to designate the First Congregational Church of Winter Park and the Fellowship Hall at 225 South Interlachen Avenue, Winter Park, Florida as a historic landmark and add it to the Winter Park Register of Historic Places. Religious use, Zoned R-4. Parcel ID #05-22-30-9400-38-010.

- 2) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY, INCLUDE ADDITIONAL MEMBERSHIP QUALIFICATIONS, REVISE THE PROCESS AND PROCEDURES FOR THE CREATION OF HISTORIC DISTRICTS, CREATE ADDITIONAL INCENTIVES FOR HISTORIC PROPERTIES, REVISE THE CERTIFICATE OF REVIEW PROCESS, AND TO ALLOW THE CITY TO MEET THE STANDARDS FOR PARTICIPATION IN THE FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

4 new business

Betsy Owens, Executive Director, Friends of Casa Feliz, JGR II Colloquium award program
Staff updates.

5 adjourn

The next regular meeting will be 9:00 a.m. Wednesday, March 11, 2015.

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."



PLANNING DEPARTMENT

CITY OF WINTER PARK HISTORIC PRESERVATION BOARD

9:00 a.m.
January 14, 2015
Commission Chambers
401 Park Avenue South

MINUTES

1. Call to order. The meeting was called to order at 9:05 a.m.

Present: Chairman Randall Glidden, Vice-Chair Rebecca Talbert, Louise Sprimont, Barbara De Vane, Genean MacKinnon, and Phil Wood. Absent: Candace Chemtob and Michael Miller. Also Present: City Attorney Robin McKinney. Staff: Senior Planner Lindsey Hayes, Sylvia Hawkins and Smitha Raphael representing Code Compliance and Recording Secretary Lisa Smith.

2. Approval of Minutes.

Motion made by Ms. Talbert, seconded by Mrs. Sprimont to approve the October 22, November 12, and December 10, 2014 meeting minutes. Motion carried unanimously.

Public Comments:

No one wished to speak. Public comment was closed.

3. Action Item.

- COR 15-001 Request of Rollins College on behalf of Holt Properties LLC to demolish the duplex at their property located at 483 Holt Avenue. The property is a contributing resource in the College Quarter Historic District; Zoned R-2. Parcel ID #05-22-30-9400-89-161.

Senior Planner Lindsey Hayes presented the staff report. She explained that the residential property located at 483 Holt Avenue is a contributing property in the College Quarter Historic District by virtue of its age and association with the final period of development in the College Quarter. She used a Power Point presentation to review the history of the subject property and discuss the details of the certificate of review request. She said that the duplex has been vacant since its purchase by Rollins College; and that Rollins College as Holt Properties LLC, has no plans to activate the duplex as living space. Ms. Hayes noted that the empty building is in a state of decline, and that Code Compliance is monitoring the condition of the property. She explained that Rollins is requesting to demolish the duplex and proposes to completely fence the commercial property from this residential property with chain link fencing and add climbing jasmine along the fence line. The existing portion of the chain link fence around the commercial property would then completely separate the commercial from the residential lots and direct campus traffic to the commercial property entrance. The property would then be maintained in an open park-like condition. A more permanent fence or wall structure would help dispel neighborhood concerns about rezoning and encroachment of non-residential uses in the future.

In addition, at this time Rollins College would construct a sidewalk on the north side of Holt Avenue from the existing sidewalk to the curb cut serving Rollins' commercial property in an effort to improve pedestrian connections now rather than in the future. Some additional landscaping will be added along the fence line to screen the property. She noted that the historic district residents have long been concerned about the vacant commercial property and unlive in duplex. With city permission, the commercial lot has been used in the past as a staging area for campus construction. To allay some longstanding neighborhood concerns, it should be stated that any future use(s) of the lot, including commercial or public quasi-public, other than what is permitted in an R-2 residential district would require rezoning. Storm water retention or parking for commercial or public quasi-public uses on the adjacent lot would not be permitted without rezoning. She said that if demolition is approved, any future redevelopment must meet the Residential R-2 zoning code and would require design review approval by the HPB at a public hearing. She reviewed in detail the Comprehensive Plan Future Land Use Policies relating to this application and the demolition guidelines established in the Land Development Code for historic districts. She stated the demolition criteria as follows:

- (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. *(Ms. Hayes noted that the subject property is not a landmark.)*
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense. *(Ms. Hayes noted that this would be a simple structure to reproduce, and the type of masonry block is available.)*
- (3) The structure is one of the last remaining examples of its kind in the city, the county or the region. *(Ms. Hayes stated that the structure is not a significant architectural example and does not embody distinctive craftsmanship.)*
- (4) The structure contributes to the historic character of a designated district. *(Ms. Hayes noted that the simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood.)*
- (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. *(Ms. Hayes noted that the building does not contribute in this area other than being part of the final period of development of the College Quarter historic district.)*
- (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. *(Ms. Hayes noted that removing the building subtracts a dwelling from the district entrance at northwest end of Holt Avenue, and it is desirable that an appropriate dwelling be built on the site in the future.)*

Staff recommended approval subject to HPB review, with a condition that a fence and landscaping be installed and maintained. Ms. Hayes responded to Board member questions and concerns.

Scott Bitikofer, Facilities Manager, represented Rollins College. He agreed with the staff report as presented by Ms. Hayes. He explained that the College desires to demolish the structure because they do not feel that it is a benefit to the neighborhood, it does not have a future use, and demolition makes the most sense. He reiterated the College's plans for the subject property, and provided insight with regard to the decline of the property. He responded to Board member questions and concerns.

Several residents of the College Quarter Neighborhood were present for the public hearing. The following addressed the Board:

Nancy La Porte, 479 Holt Avenue, opposed the request. She said that she feels that the subject property is the cornerstone of their historic neighborhood, and that it provides both sight and sound barriers. She explained that her property is the most impacted in the neighborhood as she owns next door. She expressed frustration that the applicant has allowed the property to exist continually in the current state of decline. She presented photographs to validate her concerns.

John Schofield, 358 Vitoria Avenue, stated that he is an admirer of Rollins in the community, but feels that the subject property degrades the surrounding community with the way the property has been maintained and opposes demolition.

Margie Bridges, 767 Antonette Avenue, opposed the demolition of the structure as it is a contributing resource, and it marks the end of the residential in the historic district. She said that she feels that demolition would create a domino effect. She added that she feels that the structure could be rehabbed and used as housing in the City.

Gordon Blich, 695 French Avenue opposed the demolition. He expressed concern about the parking lot on residential zoned property. He stated that he feels that demolition is inappropriate. He suggested that the Holt Avenue property be sold at market rate, or donate the property to either the College Quarter Neighborhood or the City for use as a park.

Nancy Galyean, 746 McIntyre Avenue, opposed the demolition and also expressed concerns with Rollins' use of the College Arms residential property as parking.

Elizabeth Bosterman, 818 Antonette Avenue, agreed with the previous comments and wanted to go on record as opposed to the demolition.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members requested further information concerning the pending code compliance case for the subject property. Sylvia Hawkins, Code Compliance Section Chief, addressed the Board concerning the pending case against the applicant. She stated that in order for the property to be brought up to compliance standards it requires exterior painting, installation of buffer on rear of property, repair doors, and removal of the boarded up windows. She provided the Board with a detailed overview of the entire code compliance process and responded to Board member questions and concerns.

Mr. Wood observed that this case appeared to be a case of demolition by neglect. Mrs. McKinnon stated that she feels that this request is a classic example of an owner's right to decide what to do with their property versus the neighborhood. She agreed with the comments made regarding the "little house movement" but felt that it is at the discretion of the applicant what they chose to do with the property. Further, if the structure is demolished and the green space created, that would enhance the drive along Holt Avenue. She supported staff recommendation. She encouraged anyone that wanted to see the property redeveloped with two tiny residences to make an offer to purchase the property from the applicant.

Motion made by Mrs. McKinnon to approve the request subject to staff recommendations. Motion failed due to lack of a second.

Motion made by Mr. Wood to deny the request. Mr. Wood withdrew his motion.

City Attorney McKinney read Section 58-474, Decision of the Commission, into the record in its entirety. She reiterated that if the Board motions to deny the request the specific section of the code must be cited for the basis of the recommendation of denial, and a description of the findings, specifically the six points spelled out by staff in the staff report.

Motion made by Ms. Talbert, seconded by Mrs. De Vane recommending denial of the request based upon evidence presented at today's hearing in that the applicant failed to prove their case to demolish the structure located at 483 Holt Avenue in accordance with Section 58-479(a)(4) in that the simple dwelling helps establish the beginning of the residential historic district at the northwest corner of the neighborhood; and plans for reuse of the property did not follow the criteria set forth in Section 58-479(a)(6) of the Land Development Code. A roll call vote was taken and the following Board members voted in favor of the motion: Mr. Wood, Mrs. Devane, Ms. Talbert, Mr. Glidden and Mrs. Sprimont. Mrs. McKinnon voted against the motion. Motion carried with a vote of 5-1.

- Potential Incentive discussion

Ms. Hayes continued the discussion with the Board members regarding proposed Incentives for historic preservation that need to be incorporated into the ordinance. She explained that at the Board's request, staff has studied more closely the pros and cons of offering ad valorem tax relief in exchange for designation. She stated that staff took a very close look at FLA Statutes 196 regarding Taxation and Finance, specifically Statutes 196.1961 and 196.1997. She advised that staff did not find any broad ability to provide ad valorem tax relief for historic properties. She noted that staff found two exemptions for historic properties. One is used for commercial and non-profit properties that open to the public, and one that relates to the rehabilitation of historic properties, and that is already in the City's ordinance. Ms. Hayes reviewed in detail how ad valorem tax relief would affect the properties currently on the city's historic resources survey. This issue was discussed at length. They responded to questions posed by Board members.

City Attorney McKinney and Ms. Hayes also reviewed the pros/cons of whether it is legally possible to create a non-profit organization as a shelter and incentive to reduce property taxes for designated historic properties specifically Tier One or Tier Two. City Attorney McKinney reviewed the provisions of Florida Statutes Chapter 617 that governs the establishing of non-profits. Attorney McKinney explained that the advantage of this is that it allows the city more control, and the city will be able to accurately predict each year the amount of funds that will be coming in. They responded to questions posed by members of the Board.

Mr. Woods requested that more consideration be given to the idea of ad valorem tax relief. Mrs. De Vane requested more information from communities that have grant programs and what they entail. City Attorney McKinney agreed to research the grant programs more and report back with her findings.

- Staff Updates

Ms. Hayes reported that The Gary Morgan House (formerly Mrs. Ann Saurman's home) located at 1041 Osceola Avenue, is up for consideration for designation to the national trust for historic preservation.

She said that staff is researching Lake Killarney condos as they have requested to come forward for designation.

The First Congregational Church at 225 South Interlachen Avenue is requesting designation of the church and fellowship hall. She noted that the subject property is already included in the Interlachen Avenue National Historic District.

Mrs. McKinnon inquired as to when the recognition of Mr. John Spang would occur, and the possibility of spotlighting historic homes at each city commission meeting. Ms. Hayes responded that staff would have to address these inquiries to City Management.

4. New Business.

There were no items of new business.

5. Adjournment. There was no further business. The meeting adjourned at 10:00 a.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

**Staff Report
February 11, 2015**

HDA 15-001 Request to designate the First Congregational Church of Winter Park sanctuary and Fellowship Hall at 225 South Interlachen Avenue, Winter Park, Florida as a historic landmark and add it to the Winter Park Register of Historic Places. Religious use, Zoned R-4. Parcel ID #05-22-30-9400-38-010.

The First Congregation Church of Winter Park and its Fellowship Hall are located on the church's property at 225 South Interlachen Avenue. The Church is requesting designation of the sanctuary and Fellowship Hall to the Winter Park Register of Historic Places. The buildings were identified as contributing historic properties in the Interlachen Avenue Historic District and as eligible for individual listing in the National Register of Historic Places under criteria C; embodying a distinctive architectural style and for its association with master architects.

History. Organized in 1884 less than three years after Loring Chase and Oliver Chapman founded the village, the congregation built its first church in 1885 facing East New England Avenue on land donated by Chase and Chapman. The church was officially dedicated on January 23, 1886. The construction cost was about \$3,000.00. The First Congregational Church of Winter Park has played an important role in the history of Winter Park. Church history states that, "As one of the very first Congregational churches founded in the southern United States, FCCWP was a groundbreaking effort to bring a religion with New England origins into the South after the Civil War. The Congregationalists saw the founding of a church in Winter Park as part of the larger effort to reconstruct the South, or in the words of Founding Minister, Reverend Edward P. Hooker, 'to bring Christ to the South.'"

Reverend Edward Payson Hooker was named as the church's first pastor. He preached an 1884 sermon supporting Frederick Lyman in urging the establishment of a Congregational college in Winter Park. Thanks in no small part to a large donation by Winter Park resident Alonzo Rollins of Maine, Winter Park was selected as the new home for that institution. The board of trustees named Reverend Hooker the first president of Rollins College further linking the First Congregation Church and the college. Mrs. E. P. Hooker was a founding member of the first library. The congregation has continued serving the community over time by supporting desegregation, building the Plymouth Retirement Center for seniors of modest means, and the Mayflower.

By the early 1920s during the Florida Land Boom, the growing congregation hired Orlando architect Howard M. Reynolds to design a new brick sanctuary. The colonial inspired design left the original sanctuary in place and oriented the new building toward Interlachen Avenue at the

corner of New England Avenue. Reynolds began practicing in 1909 in Los Angeles, and then moved to Portland then Seattle. In 1920 he relocated to Orlando where his design vision earned him recognition including serving as the Orange County School Board consulting architect. In that role, he designed 15 schools for the county including the 1927 Winter Park High School on Huntington Avenue. The construction contract for \$45,420 was awarded to the Marshall-Jackson Construction Company of Lakeland which broke ground in 1923 and installed the cornerstone in November of that year. Charles Hosmer Morse donated the site and his daughter Mrs. Richard Genius donated the organ and chimes. In January 1925, the congregation worshiped for the first time in the new sanctuary and they dedicated it free of debt in March 1926.

In 1940, the Congregational Church hired James Gamble Rogers II to design a two-story addition on the rear of the 1925 sanctuary. Replacing the 1880's sanctuary and original Hooker Memorial Hall, the addition was named the Hooker Memorial Fellowship Hall. The original Hooker Memorial Hall was donated to the Colored Women's Club and moved to property they had purchased near Virginia Avenue and Morse Boulevard. Later in 1964, Rogers drafted the plans for the Education Building for the church. The state and city recognize Rogers as one of Florida's master architects, and as a visionary for architecture in Winter Park.

Description. The First Congregational United Church of Christ of Winter Park faces east at 225 South Interlachen Avenue; the northwest corner of the intersection of Interlachen Avenue and New England Avenue. It is an excellent example of the Colonial Revival style applied to an ecclesiastical building built in two phases first, designed by Howard Reynolds in 1925 and then by James Gamble Rogers II in 1940. Rising the equivalent of two stories, the building has an irregular plan with the front, east facing façade displaying a tympanum with a blind oculus, frieze accented with modillions and dentils, and Corinthian columns finished in acanthus leaf capitals. Above the east roof ridge, a segmental arched dome with an orb originally rested upon an octagonal belfry with a molded frieze, round columns, blind molded arched panels with keystones, and long narrow louvers. The church has a grant to replace the feature with a duplicate and reuse some of the original copper cladding. Red brick walls are accented with quoins. Fenestration included six-over-six light double hung sash windows with keystones in the lintels, and twelve light and nine light paneled wood doors with the central entrance topped with a lighted transom. The south elevation shows the extent of the 1925 building and the 1940 addition with the addition offset from the older walls. The original south elevation includes a side entrance under a projecting gable pediment executed with a tympanum and frieze similar to those used on the front façade, but with simpler Tuscan columns. This side entrance has a twelve light paneled wood door flanked by four-over-four light double hung sash windows. The south elevation also features other fine details including horizontal rectangular brick panels and twenty-two-over-twenty light double hung sash windows in elongated arched opening accented by keystones and imposts. Other fenestration is simpler with rectangular openings filled by twelve-over-eight light and six-over-six light double hung sash windows.

On the 1940 addition is a long shed-like roof arcade accented with elongated arches, keystones, and round columns; a signature feature used by Rogers on several of his Colonial inspired

ecclesiastical and educational designs. The arcade shelters entrances finished with French doors, paneled wood doors and double hung sash windows. A bronze plaque on the south elevation identifies the church as the birthplace of Rollins College on 4 November 1885. Another part of Rogers' work is a loggia connecting the north elevation of the 1925 sanctuary to the 1964 two-story brick Education Building.

Architecture. Colonial Revival was a dominant style of American architecture during the first half of the twentieth century. The term Colonial Revival refers to the rebirth of interest in the early English and Dutch houses of the Atlantic Seaboard. The Philadelphia Centennial of 1879 is credited with awakening the interest in America's colonial heritage. Early examples of Colonial Revival were rarely historically accurate copies but were usually interpretations with details inspired by colonial precedents. Over time, better researched copies had more historically accurate proportions and details. Churches in the Colonial Revival style drew more heavily on specific architectural references rather than a compilation of colonial architectural. In American churches the designs of James Gibbs and Christopher Wren made popular the contrasting steeple and portico system of many churches. The churches would typically include a two-story symmetrical façade, accentuated door with a fanlight, pediment or crown and pilaster surrounds. Entrance porches would have columns with Corinthian, Doric or Ionic Capitals and multi-paned sash windows.

RECOMMENDATION: Staff finds that the First Congregational Church of Winter Park sanctuary and Fellowship Hall meets the criteria for designation in section 58-456(1) (c) and recommends approval to list as a landmark in the Winter Park Register of Historic Places as an excellent example of Colonial Revival style architecture applied to an ecclesiastical building and as the work of master architects.



City of Winter Park
Planning & Community
Development Department
401 Park Avenue, South
Winter Park, Florida 32789

407-599-3498

City of Winter Park Historic Designation Application

1. 225 S. Interlachen Ave Winter Park FL 32789-4411
 Building address (address as above)
- Congregational Church of Winter Park & Fellowship Hall 407-647-2416
 Owner's name(s) Address Telephone
- Jack C Lane 1-200 Lakeview Dr. 407-644-3381
 Applicant's name (if different from above) Address Telephone

2. I, Shawn S. Garvey, ^{Sr. Minister} as owner of the property described above, do hereby authorize the filing of this application for historic designation for that property.

Shawn S. Garvey
Owner's Signature

1-12-15
Date

Historic Preservation Commission Office Use

Criteria for Designation

A. Association with events that have made a significant contribution to the broad patterns of history including the local pattern of development; or

B. Association with the lives of a person or persons significant in our past; or that

C. Embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values or that represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded or are likely to yield information important in prehistory or history.

PARCEL ID 05-22-30-9400-38-010

1925 / 1940

Legal description

Year built

FIRST CONGREGATIONAL CHURCH OF WINTER PARK & FELLOWSHIP HALL

Historic name of building (if any)

Historic district name (if any)

Date received: 1-13-15

HPC Meeting: 2-11-2015

Case File No.: HDA 15-001

Florida Master Site File No.: OR-674

OR 9924

Local Historic Landmark

Local Historic Resource

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Interstate Ramp
- One Way
- Brick Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural/Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Building
- Power Plant



This map is for reference only and is not a survey. Created: 2/5/2015



Courtesy Rick Singh, CFA, Orange County Property Appraiser

[73 Units]

The Cloisters [91 Units]

[30 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

[23 Units]

[35 Apts]

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional/Governmental/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension

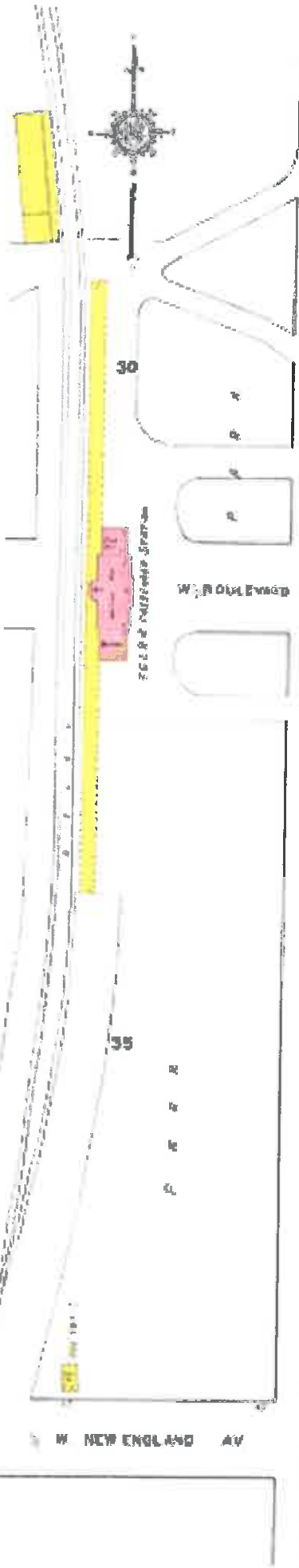


Courtesy Rick Singh, CFA, Orange County, Property Appraiser



Created: 2/5/2015

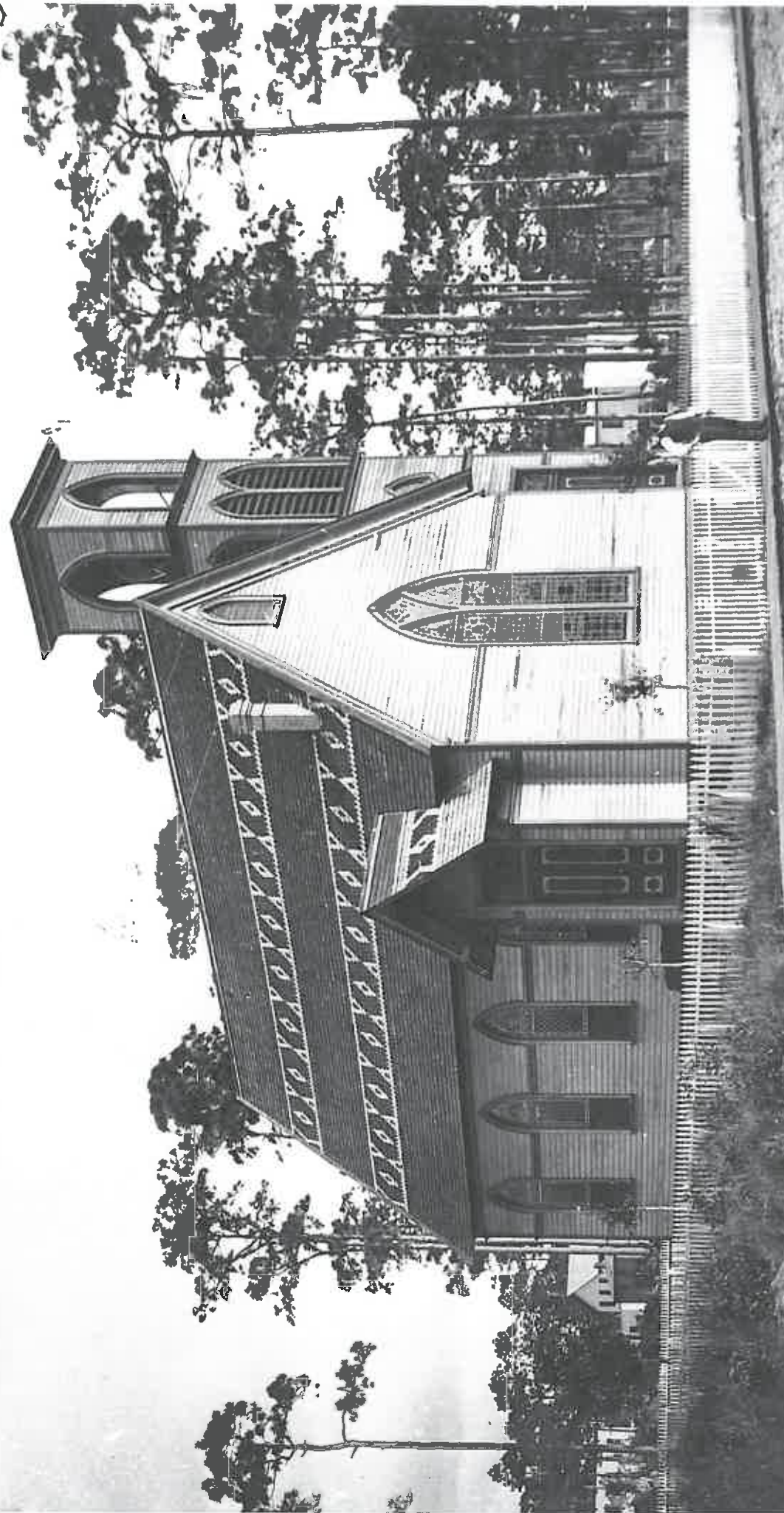
This map is for reference only and is not a survey.



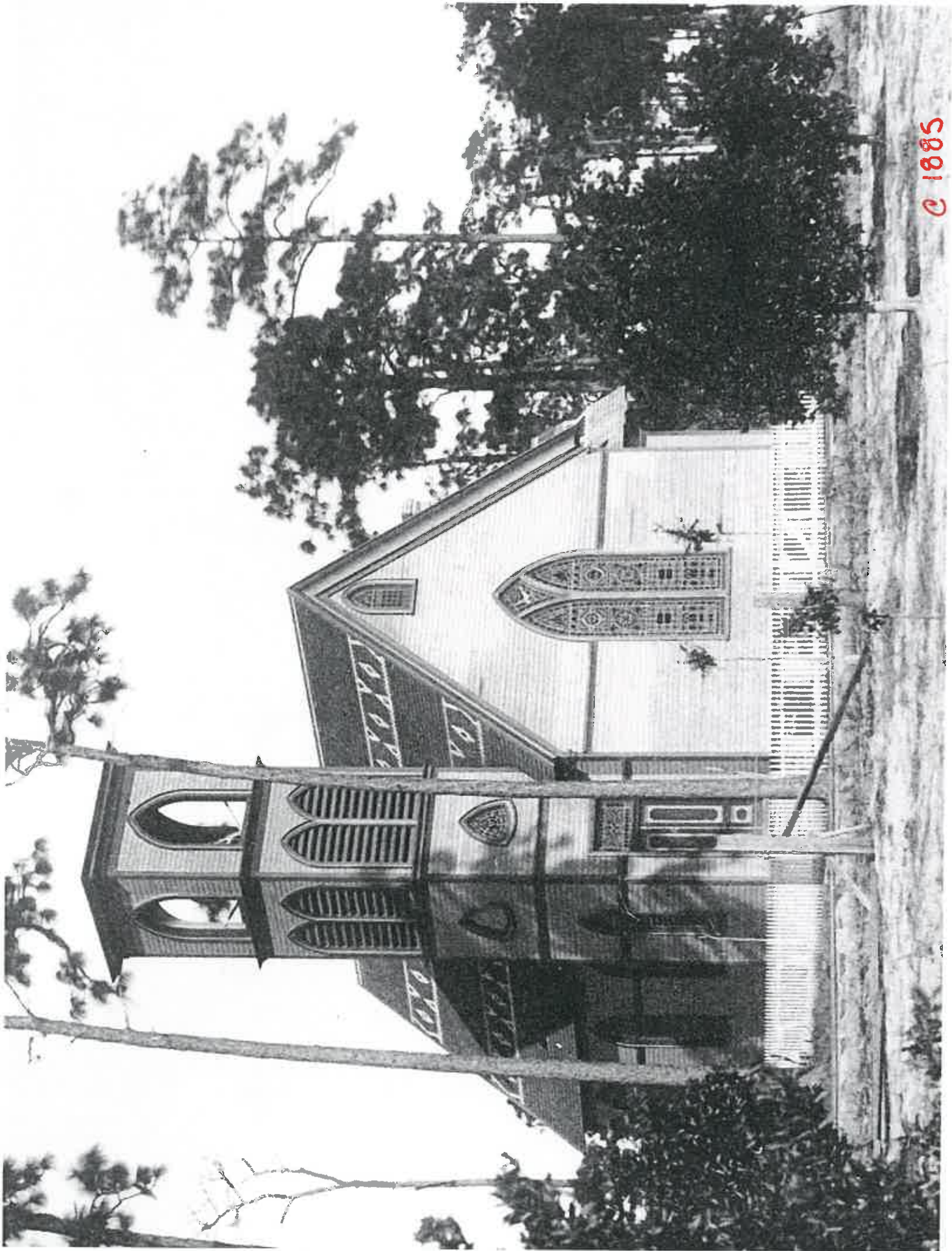
Scale of Feet



28



© 1985



© 1885



2009 Sweley Photo



V FRONT

SANCTUARY

^ SOUTH SIDE





INTERLUACHEN FRONT

W NORTH SIDE



225



A WEST SIDE

FELLOWSHIP HALL

Y SOUTH SIDE





**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

**Staff Report
February 11, 2015**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY, INCLUDE ADDITIONAL MEMBERSHIP QUALIFICATIONS, REVISE THE PROCESS AND PROCEDURES FOR THE CREATION OF HISTORIC DISTRICTS, CREATE ADDITIONAL INCENTIVES FOR HISTORIC PROPERTIES, REVISE THE CERTIFICATE OF REVIEW PROCESS, AND TO ALLOW THE CITY TO MEET THE STANDARDS FOR PARTICIPATION IN THE FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

The board has taken a great deal of time reviewing the historic preservation ordinance and has reviewed other agencies codes and incentives for comparison. The City received comments from our consultant. The HPB has received comments from a volunteer citizen committee and others throughout the process. The draft amendments include the board's "housekeeping" amendments for clarity, improved function and to meet the requirements for Certified Local Government (CLG) status. Legal language has been updated throughout. Following approval by the HPB, the amendments will be introduced at public open houses and proceed through the process to the City Commission. The full ordinance text showing additions and deletions is attached. Included in the proposed amendments are:

- 1) Intent and purpose restated.
- 2) Board members qualifications amended to meet CLG requirements.
- 3) Historic districts with an unsuccessful vote must wait at least six months before reapplication.
- 4) The historic district public notice, outreach and informational process improved.
- 5) The historic district voting process improved.
- 6) Districts that are not approved by the Commission receive notice.
- 7) Guidelines for review and for variance requests clarified.
- 8) Accessory dwelling units should not exceed 750 square feet unless the HPB determines the lot size or configuration may allow a larger unit.
- 9) "Standard Certificate of Review" changed to "Administrative Review" with a streamlined process reflective of the actual process.
- 10) "Special certificate of review" changed to "Certification of Review" throughout.
- 11) Additional incentives referenced in "Administration and Enforcement".
- 12) An additional tax incentive as allowed by Florida Statute 196.1961 added.

RECOMMENDATION: Staff recommends approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY, REVISE THE PROCESS AND PROCEDURES FOR THE CREATION OF HISTORIC DISTRICTS AND TO ALLOW THE CITY TO MEET THE STANDARDS FOR PARTICIPATION IN THE FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM; 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 PEOPLE OF THE CITY OF WINTER PARK:

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 Ordinance 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.

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.

Mayor

ATTEST:

City Clerk

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 ~~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
 - a-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), 10-9-06)

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.

Administrative review means the Historic Preservation Board staff may approve, approve with conditions, or deny certain types of permit applications for alterations or additions allowed by the board and based upon the standards in section 58-469 to an individually designated property or property located in a designated historic district. Staff is not required to grant this review and may require review by the board. If the applicant wishes to appeal staff's decision, a complete certificate of review application for the project will then be placed on the Historic Preservation Board agenda.

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 ~~specialy~~ designated historic site or district.

Applicant means ~~an individual or group a~~ property owner or owners who provide(s) sufficient written information to the city to ascertain that ~~the~~ 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, ~~landmark site~~ historic 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.

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 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 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 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-Board~~ (HPBC) means the City of Winter Park Historic Preservation Commission-Board as created by sections 58-4454 and 58-4462.

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.

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

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

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

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

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

(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

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.

Secs. 58-441—58-444. - Reserved.

Sec. 58-44~~4~~55. - 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. 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 members and one alternate, all of whom must be city residents.

- a. At minimum, two members of the HPB shall be licensed architects or alternatively, one member must be a licensed architect and another must be a licensed landscape architect.
- b. One member shall have demonstrated experience in planning, historic preservation or land use law.
- c. One member shall have demonstrated experience in building construction or related areas.
- d. Other members may have experience, expertise demonstrated interest in one or more of the following areas:
- e. History;
- f. Architectural history;
- g. Archaeology;
- h. Real estate;
- i. Cultural anthropology;
- j. Is the owner of a property individually listed on the Winter Park Register of Historic Places or a contributing property within a district listed on the Winter Park Register of Historic Places.

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 [of Historic Places](#) 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 [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 ~~will~~[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. 58-447—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.~~ [be in keeping with the intent and purpose of this ordinance as set forth in Section 58-433.](#) The eligibility of any potential historic landmark, resource or district shall be supported by meeting one or more criteria based upon the National Register of Historic Places ~~guidelines/criteria~~ 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 [of Historic Places](#) criteria for evaluation requires that the quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites,

buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations and:

- a. That are associated with events that have made a significant contribution to the board patterns of our history; or
- b. That are associated with the lives of persons significant in our past; or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded, or may be likely to yield, information important in prehistory or history.

(2) Historic districts must meet one or more of the National Register criteria 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 one or more of the National Register of Historic Places criteria at the local, state or national level.~~
- b. A district must be a definable contiguous geographic area that can be distinguished from surrounding properties by changes such as density, scale, and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in Section 58-457(2). 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 nomination including the selected area shall be presented for nomination for at least six months after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.

(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 believe(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. 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 Every proposed historic landmark or resource shall have a historic designation report prepared by the city that shall be presented to the HPC-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 135 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-nomination shall include a description of the proposed boundaries of the district and a brief statement explaining its historic, cultural, aesthetic or architectural significance, and a-the required 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 HPBC, the city shall first determine if the district may meet the criteria for designation. Is so, the city shall then mail information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of information meetings will be published in a newspaper of general circulation and posted on the city's web site. The city shall facilitate conferences-meetings 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-effects of designation and (7) incentives.
- 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 a simple majority of the properties within the proposed nominated district a historic designation report shall be forwarded to the HPB recommending approval or disapproval of the nominated area as a historic district and citing specific criteria for the decision. C. 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 HPBC at a regularly scheduled meeting. The designation report shall include the historic context, proposed boundaries, contributing and non-contributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation 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 135 days prior to the hearing.

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

- (4) ~~The city commission shall further direct staff to notify the following of the action with a~~ 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
 - Code Compliance
 - City clerk
 - Public works department
 - Owners of the affected property and other parties having an interest in the property, if known
- (5) Following the published date of a public hearing before the HPBC, no permits shall be issued by the building ~~and permitting division~~department, except for permits that do not require the review of the historic preservation ~~commission~~board, for any new construction, exterior alterations, moving, or demolition of the real property that is the subject matter of the recommendation, until one of the following has occurred:
- The historic designation is enacted and a certificate of review is issued under the provisions of division 4; or
 - The historic designation is denied by the city commission; or
 - The property owner has applied for an ~~accelerated~~ approval of a certificate of review prior to final enactment of the historic designation; and such certificate of review has been issued under the provision of section 58-473, and the property owner has voluntarily proffered a covenant binding him to comply with all terms and conditions of the certificate of review which will cease to be effective should the city commission deny the historic designation.
- (6) Historic landmarks, resources or districts shall be formed as an ~~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.
- (7) Should the city deny the request for designation, it shall notify all property owners within the proposed district by mail of the decision and contemporaneously post this 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, and guidelines. In no case shall any statement or representation made prior to the official application review be binding on the HPBC, 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 HPBC shall review and render a decision during an advertised public hearing on applications for special certificates of review for any proposed exterior alterations, additions, demolitions, or relocations of designated historic landmarks, resources, contributing and non-contributing resources within districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement. ~~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 HPBC may approve, approve with recommendations/conditions, 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 HPBC 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 HPBC, regarding applications for standard administrative certificates of review.

- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation as periodically revised ~~in 1990~~ 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 HPBC 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(c)(~~1~~)(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 ed a variance.
 - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPBC shall be taken to the city commission after following the notice criteria of subsection 58-88(c)(1) if filed within 15 days of the date of the decision by the HPBC.
- (3) The HPBC may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, ~~or to or on~~ properties in a designated historic district.

- a. Historic designation must be completed before the issuance of a building permit or approval for the construction, re-establishment or construction of a new garage apartment or accessory cottage
- b. Building setbacks shall be determined by the HPBC, 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 the garage apartments or accessory cottages not exceed 750 square feet. The HPB may reduce or enlarge this square foot limitation depending on the configuration or size of the property. 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.
- a.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 will be deemed sufficient grounds for the code enforcement board to order the discontinuation of the garage apartment or accessory cottage as a secondary living unit along with other penalties and remedies at their discretion may result in enforcement action by Code Compliance.

- (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 HPBC.
- (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 historic preservation ~~commission~~board.

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

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

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

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

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

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-cCertificates of Review.

- (a) An applicant for a special-certificate of review whether for exterior alteration, addition, restoration, renovation, moving or demolition shall submit an application to the HPBC accompanied by photographs, elevations, site plans, floor plans, and samples of materials ~~as~~ deemed appropriate by the HPBC 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 HPBC 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 HPBC shall be provided with the details for the proposed disposition of the site. The HPBC 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 HPBC 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 135 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. Upon the request of the property owner, staff may administratively extend the approval for an additional year. After two years, the property owner may request an extension from the HPB.

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

Sec. 58-474. - Decision of the commissionboard.

The decision of the ~~historic preservation commission~~HPB shall be based upon the guidelines set forth in section 58-469 as well as the general purpose and intent of these regulations and any specific planning objectives and design guidelines officially adopted for the particular historic landmark, resource or historic district. The decision may include such incentives for preservations as the HPBC 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 HPBC 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 HPBC'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-board shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPBC.

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

Sec. 58-476. - Records.

The decision of the historic preservation ~~commission-board~~ shall be issued in writing. Evidence of approval of the application shall be by certificate of review issued by the HPBC or the HPBC'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 HPBC's notice shall provide ~~an adequate~~ written explanation of its decision. The HPBC 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 HPBC 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~~promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPBC'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 ~~as provided by the Florida Rules of Appellate Procedure~~having jurisdiction over the matter.

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

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

The HPBC's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPBC'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 HPBC, 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 HPBC shall consider the following criteria in evaluating applications for a ~~special~~ certificate of review for demolition of designated properties and properties located within designated historic districts:
 - (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
 - (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
 - (3) The structure is one of the last remaining examples of its kind in the city the county or the region.
 - (4) The structure contributes to the historic character of 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 HPBC 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 HPBC. 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 less~~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 HPBC 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—58-~~490~~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 HPBC 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 redevelopment 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 HPBC 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 HPBC shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPBC 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 HPBC 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 HPBC 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 HPBC.
 - e. Revised resumes of HPBC 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. ~~Reserved. -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 HPBC 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 Winter Park Florida Building Code, he or she shall immediately notify the HPBC 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 HPBC. The HPBC 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 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 HPBC 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 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 HPBC. 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—58-50910. - 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 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 aspect 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 the exemption will take place prior to the year the exemption will take effect. If the exemption is granted for only a specified year

Sec. 58-511. - Scope of tax exemptions.

(a)Florida Statutes 196.1997 establishes A 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~~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 Constitution. The exemption does not apply to personal property.

(b)Florida Statute 196.1961 establishes a method for the city commission to provide an ad valorem tax exemption of up to fifty percent (50%) of the assesses value of certain commercial or not-for-profit historically designated properties. The exemption shall only apply 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 58-511(a) 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 HPBC 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 HPBC 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 58-511(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. All 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 HPBC that the property that is to be rehabilitated or renovated is a historic property under this section.
- (4) Proof to the satisfaction of the HPBC 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 511(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-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 commissionboard.

The HPBC or its successor is designated to review applications for exemptions. The HPBC 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)