

**ORDINANCE NO. 3040-16**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION"; AMENDING SECTION 58-433 TO CLARIFY THE INTENT AND PURPOSE OF THE WINTER PARK HISTORIC PRESERVATION CODE; AMENDING SECTION 58-457 CONCERNING THE REQUIREMENTS AND VOTING THRESHOLDS FOR THE DESIGNATION OF A HISTORIC DISTRICT AND CONCERNING THE IDENTIFICATION OF DESIGNATED PROPERTIES AND PROPERTIES WITHIN HISTORIC DISTRICTS; 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 desires to clarify the purpose and intent of the Winter Park Historic Preservation Code as set forth in this Ordinance; and

**WHEREAS**, the City Commission desires to amend the voting threshold for designating a historic district as set forth in this Ordinance;

**WHEREAS**, the City Commission finds that the provisions of this Ordinance are consistent with the City's Comprehensive Plan.

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

**SECTION 1 – RECITALS.** The above recitals are true and correct and are incorporated herein as legislative findings of the City Commission.

**SECTION 2 – AMENDMENT.** Chapter 58, Division 1, Section 58-433 of the Winter Park Code of Ordinances is hereby amended to read as follows (~~stricken through~~ language are deletions; underlined language are additions; provisions not referenced are not amended):

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

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

(b) *Intent and purpose*

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

(2) It is 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 to achieve the following objectives including by encouraging voluntary participation:

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

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

**SECTION 3 – AMENDMENT.** Chapter 58, Division 3, Section 58-457 of the Winter Park Code of Ordinances is hereby amended to read as follows (~~stricken through~~ language are deletions; underlined language are additions; provisions not referenced are not amended):

Sec. 58-457. – Designation procedures.

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(2) *Local historic districts.*

- a. Nominations for designation of historic districts may be submitted to the planning and community development department by petition from 20 percent of the proposed district property owners, at least half of whom shall be owners of individually designated historic homes in the proposed district, or owners of contributing homes in the proposed district who believe that the district meets the criteria for listing as set forth in section 58-456. The nomination shall include a description of the proposed boundaries of the district, and a brief statement setting forth: (i) that at least 50% of the homes in the proposed district are individually designated historic homes or contributing homes; (ii) explaining its historic, cultural, aesthetic or architectural significance, (iii) the specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and (iv) including the required petition representing the ownership of at least 20 percent of the properties within the proposed district as described above. Designation of

historic districts shall only be considered by the HPB 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 HPB, the city shall first determine if the proposed district meets the criteria for designation as set forth in the petition. If so, the city shall then prepare a historic designation report which shall analyze and report upon: 1) proposed boundaries, 2) contributing and non-contributing buildings and elements, 3) district goals, 4) design guidelines to include district alteration criteria, 5) effects of designation and 6) available incentives. The city shall then mail the report and other necessary information to each property owner of record to notify them of the initial interest in establishing a historic district, the effects of establishing a historic district, and a schedule of informational meetings for owners and interested parties. The schedule of informational meetings will also be published in a newspaper of general circulation and posted on the city's web site. The city shall then facilitate conferences with property owners within the nominated district to discuss the proposed district. The city shall have 90 days to complete these requirements.
- 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. If a property is jointly owned by two or more persons or entities, all such persons or entities having an ownership interest in that property must agree in order to cast a vote in favor of creating the nominated district. Upon receipt of a favorable vote representing the ownership of two-thirds ~~fifty percent (50%) plus one~~ of the properties within the nominated district, a historic designation report shall be forwarded to the HPB recommending approval or disapproval of the nominated area as a historic district based upon the vote received and citing any other specific criteria for the decision.
- d. The nominated historic district shall have a historic designation report that shall be presented to the HPB 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 at least 15 days prior to the hearing.

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(8) The city shall prepare and maintain for public view information identifying the designated properties and properties within designated historic districts. The symbol of "(h)" for historic is to be added next to the underlying zoning classification for each of the designated properties and properties within historic districts. The symbol of "(h)" is not intended to be a rezoning of the designated properties and properties within historic districts, but merely an identifier for the public's information and awareness that such properties are affected by the regulations of this article and any applicable historic district guidelines.


**SECTION 4 - SEVERABILITY.** If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

**SECTION 5 - 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 Sections 2 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to correct scribes' errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

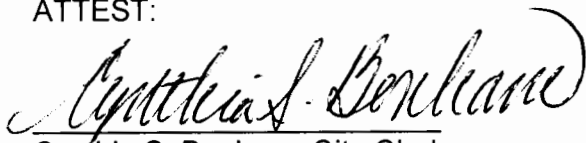
**SECTION 6 - CONFLICTS.** In the event of any conflicts between this Ordinance and other ordinances, this Ordinance shall control over all other ordinances to the extent of the conflict.

**SECTION 7 - 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 13<sup>th</sup> day of June, 2016.

  
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Mayor Steve Leary

ATTEST:

  
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Cynthia S. Bonham, City Clerk