

ORDINANCE 3217-21

AN ORDINANCE AMENDING CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE VIII, HISTORIC PRESERVATION SO AS TO REVISE THE PROCEDURES REGARDING DEMOLITIONS, PROVIDING FOR CLARIFICATIONS OF THE QUALIFICATIONS, TERMS, VACANCIES AND PROCEDURES FOR THE HISTORIC PRESERVATION BOARD, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park recognizes that the preservation and protection of historic homes individually designated, preserves the City's architectural heritage and preserves the historic scale and character of the City; and

WHEREAS, the City desires to become a Certified Local Government and ordinance amendments are necessary to meet the program requirements.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION I: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-446 "Qualifications" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-446. – Qualifications, Terms, Vacancies.

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~~ In accordance with the provisions of Chapter 2 of City Code, the Historic Preservation Board shall be comprised of seven members, who shall be residents of the City. The terms of the Board members shall be staggered in accordance with the selection process outlined in Chapter 2 of City Code, resulting in the overlap of terms so that the HPB retains membership with experience as new members are appointed to the HPB. The HPB shall meet monthly but in no case shall postponements or other circumstances allow the HPB to meet less than four times per year. Vacancies shall be filled promptly and any vacancy shall be filled within 60 days. The HPB proceedings shall conform to the Rules of Procedures as are adopted and as may be amended by the City Commission for their proceedings. Members of the HPB shall include:

- (1) One member shall be a licensed architect; and
- (2) One member versed in local history; and
- (3) One member who owns or lives in a designated resource or district.

SECTION II: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-456 "Designation Criteria" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-457. – Designation Criteria.

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

a. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the historic environment or be an arrangement of historically or functionally related properties. At least 50 percent of the sites, buildings, structures or objects in a historic district must meet two or more of the National Register of Historic Places criteria at the local, state or national level.

~~b. A district must contain a minimum of 12 properties.~~ A district must be a definable geographic area of contiguous properties and, where possible, should cover both sides of any street or comprise all the properties in any cul-de-sac or similar area and generally follow the technical guidelines for selecting boundaries used by the National Register of Historic Places. The boundaries must be based upon a shared relationship among the properties constituting the district and represent the area which completed the process described in subsection 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 subsection 58-457(2) below is unsuccessful, no district nomination including the selected area shall be presented for nomination for at least three years after the date the city notifies the proposed district's residents that the nomination has been unsuccessful.~~

SECTION III: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-457 "Designation Procedures" is hereby amended to read as shown below,

and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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), who believe(s) that the property meets the criteria for listing as set forth in section 58-456. The property owner shall provide to the city proof of current fee simple ownership of the property being nominated. 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).

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 a historic designation report that shall be presented to the HPB at a regularly scheduled meeting to be held within no more than 60 days upon receipt of application for designation.

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 at least 15 days prior to the hearing.

SECTION IV: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-481 "Procedure for demolition of properties identified in the Florida Master Site File or the historic survey" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-481. - Procedure for demolition of buildings and structures on properties designated on the Winter Park Register of Historic Places, or located within

designated Historic Districts or as identified in the Florida Master Site File or the historic survey.

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

(1) For properties with buildings or structures found in the historic survey as potential candidates for the National Register of Historic Places, ~~u~~Upon receipt of a complete application for a demolition permit, ~~for properties found in the historic survey as potential candidates for the National Register of Historic Places,~~ the city shall have 90 ~~60~~ days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90 ~~60~~-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of the 90 ~~60~~-day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 90 ~~60~~-day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) For properties with buildings or structures identified in the Florida Master Site File, ~~u~~Upon the city's receipt of a complete application for a demolition permit ~~of properties that are identified in the Florida Master Site File,~~ the city shall have 90 ~~60~~ days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90 ~~60~~-day consideration period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the 90 ~~60~~-day period and the purpose of such. During this 90 ~~60~~-day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.

(3) For properties with buildings or structures that are individually designated on the Winter Park Register of Historic Places or located within any designated Historic District, any such request for demolition or partial demolition must be approved by the Historic Preservation Board or if required, upon approval by appeal to the City Commission based upon the process and procedures established in sections 58-473 through 58-477 and pursuant to the provisions as outlined below. In addition to meeting the requirements of sections 58-481 (1) through (9) with regards to the 90-day consideration period and process, the application shall meet the requirement outlined below.

(4) During the 90-day consideration period set forth under subsections (1), ~~and (2)~~ and (3) above, the following alternatives to demolition should be considered:

i. The feasibility of moving or relocating the structure;

ii. The feasibility of purchasing the structure, either privately or through the use of public funds;

iii. Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure.

(a) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to the subsections (1) and (2) above, the demolition shall be allowed immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(b) For good cause shown, and with the agreement of the property owner, the consideration periods under subsections (1), ~~and (2)~~ and (3) may be extended for an additional 60-day period. The time limit under section 58-475 does not apply to demolition permits under this section.

(d) The criteria set forth in section 58-479 do not apply to applications for demolition permits under ~~this section~~ subsections (1) and (2) above. The HPB does not have the authority to approve or deny an application for demolition permit under ~~this section~~ those subsections.

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

(f) Any property that has received, prior to the effective date of this section, an approved and valid development order or permit from the city that authorizes the redevelopment of the property is exempt from the provisions of subsections (1) and (2) in regards to the redevelopment approved by such development orders and permits.

(5) Criteria for reviewing demolition applications for individually designated historic structures and contributing structures within historic districts. In addition to process and procedures during the 60-day consideration period outlined above in subsection (4), the demolition of an individually designated historic structure or a contributing structure within a historic district constitutes an irreplaceable loss to the quality and character of the historic district and/or the city at-large. Therefore, no contributing structure within any historic district or individually designated property shall be demolished or removed, in whole or in part, until after a certificate of review for the approval of the demolition has been approved by HPB or upon approval by appeal to the city commission. However, the HPB may consider approval of the demolition of a contributing structure within a historic district only if the following criteria are met:

(a) The structure is primarily deemed contributing based upon the age of the structure and is not of such interest or quality that it would reasonably meet national, state or local criteria for designation as an individual historic landmark.

(b) The structure is of such design, craftsmanship or material that it could be replaced with a new structure in conformance with the design guideline standards and reflects a prevalent architectural style of the era.

(c) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the historic district is not deemed critical to the integrity of the historic district.

(6) Reconstruction. Local historic landmarks or contributing structures within the 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. HPB shall encourage reconstruction when appropriate.

(7) Demolition by neglect. Every owner of a contributing structure or an individually designated historic structure shall not be allowed to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so

as to result in a threat to continued existence of such structure. Examples of the type of disrepair prohibited include, but are not limited to:

(a) The deterioration of exterior walls or other vertical supports;

(b) The deterioration of roofs or other horizontal members;

(c) The deterioration of exterior chimneys;

(d) The deterioration or crumbling of exterior plasters or mortar;

(e) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

(f) The deterioration of any such structure or feature, so as to create or permit the creation of any hazardous or unsafe condition or conditions is not permitted. In the event that a contributing structure or individually designated structure is in disrepair and is in the course of being "demolished by neglect," the owner of record shall be notified of the condition of the structure and the items that need repair via certified or registered mail. The Code Enforcement Board shall then be empowered to seek remedy and resolution to this non-compliance with Code.

(8) *Emergency demolition.* Notwithstanding, the city reserves the right to initiate and carry out its own demolition of a structure if deemed to be necessary to protect the health, safety and general welfare of the city.

(9) *Noncontributing structures.* Owners of noncontributing structures within any historic district shall not be required to show economic hardship in applying for a certificate of approval for demolition for such structures. However, the new construction proposed as a replacement must conform to the adopted design guideline standards and reflects a prevalent architectural style of the era.

SECTION V: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Section 58-491 "National Register of Historic Places nominations" is hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

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

The HPB and designated local officials 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 Winter Park mayor and city commissioners, as the designated local officials, city manager, planning department director, and owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPB 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~~ for nominations to the National Register of Historic Places.

SECTION VI: Chapter 58, Land Development Code, Article VIII, Historic Preservation, is hereby amended to add a new Section 58-492 "National Register Historic Districts" to read as shown below, and to renumber the current Section 58-492 "Certified local government performance" to become Section 58-493 with no other changes. Words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

Sec. 58-493. - National Register of Historic Districts.

Within the City of Winter Park are located the two National Register Historic Districts, the Downtown Winter Park Historic District and the Interlachen Historic District

(1) Within the Downtown Winter Park National Register Historic District, in addition to conformance with the applicable Central Business District guideline standards adopted as part of Zoning Regulations per Section 58-72, through 58-79, any request for an alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the typical turnover of first floor spaces from one owner/tenant to another business, involving such aspects as replacement of awnings/canopies, store fronts, windows, signage, etc. but shall apply to exterior façade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building façade encompassing the area within or above one or more existing tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

(2) Within the Interlachen National Register Historic District, any request for an alteration of the exterior facade or demolition of all or part of a building shall be governed by Sections 58-473 through 58-481 of this Article. This requirement shall not apply to the exterior facade changes for the normal turnover of business or residential floor spaces from one owner/tenant to another involving such aspects as replacement of doors, windows, awnings/canopies, signage, etc. but shall apply to exterior façade alterations that markedly change the exterior materials or appearance of the entire

building or a substantial portion of the building façade encompassing the area within or above more than one existing owner/tenant space. The intent is for the existing architectural character of the buildings to be preserved or replicated.

SECTION VI: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION VII: 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 VIII: CODIFICATION. Sections I through VI of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION IX: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 22nd day of September, 2021.

Phillip M. Anderson, Mayor

Attest:

Rene Cranis, City Clerk