

ORDINANCE 3335-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE VIII HISTORIC PRESERVATION OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE CONCERNING THE PROCESS AND PROCEDURES FOR CERTIFICATES OF REVIEW SUBJECT TO THE PUBLIC NOTICE AND PUBLIC HEARING PROCESS, PENALTIES FOR UNAUTHORIZED SIGNIFICANT ALTERATIONS OR DEMOLITIONS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the preservation of historic homes is important to the health, safety and general welfare of the community; and

WHEREAS, the City Commission recognizes that the Historic Preservation Board plays an important role in the review of changes, modification to historically designated structures and contributing structures within historic districts; and

WHEREAS, the City Commission has received a recommendation from the Historic Preservation Board for improvements to the Historic Preservation regulations concerning the process for certificates of review and for occasions of unauthorized significant alterations to or demolitions; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City's local planning agency, which is the designated Planning and Zoning Board, has also reviewed and made recommendations as to the amendments set forth herein;

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

SECTION I: RECITALS. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Portions of Chapter 58, Land Development Code, Article VIII, Historic Preservation, are hereby amended to read as shown in Section III below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Sections and provisions not included are not being amended.

SECTION III: Chapter 58, Land Development Code, Article VIII, Historic Preservation, Division 4 – Certificate of Review is hereby amended to read as follows:

DIVISION 4. - CERTIFICATE OF REVIEW

Sec. 58-467. - Pre-application conference/preliminary review.

(a) 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 may schedule ~~shall a preapplication conference~~ confer with the city HPB staff ~~to obtain information and guidance~~. The purpose of such preapplication 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, but is not a requirement to apply for a certificate of review. ~~In no case shall any statement or representation made prior to the official application review be binding on the HPB, the city commission or any city departments.~~

(b) Applicants may request and obtain a preliminary review by the HPB prior to proceeding for formal review of and a final decision from the HPB on an application for certificate of review. The purpose of the HPB preliminary review is for the applicant to receive non-binding input from the HPB on what aspects and features of the design concept plan and variance requests, if any, appear to be acceptable or not. If an applicant elects to use the preliminary review process, an applicant must submit a design concept plan for HPB review.

Sec. 58-473. - Certificates of review.

(d) All approvals of certificates of review shall require subsequent review and approval by staff for the construction plans to ensure the plans and representations made at the public hearing are incorporated accurately into the building permit plans and application submissions. If staff does not agree that the plans submitted accurately represent the HPB certificate of review approval, or if changes have been made, subsequent review and approval by the HPB shall be required. An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one year extension may granted by the HPB upon good cause.

(e) Applications for certificates of review (for both residential and non-residential buildings) shall include comprehensive and specific details on all proposed exterior materials and architectural elements of the project. This includes, but is not limited to, roofing type, material, color, style, pitch, and features such as dormers, skylights, chimneys, or mechanical equipment screening; exterior façade details including materials, finishes, textures, colors; window specifications including type, material, size, shape, glazing, muntin and mullion details, trim, surrounds, and colors; and all

exterior doors including entry, garage, and service doors, with details on materials, finishes, and fenestration patterns. Site elements for non-residential projects such as fences, walls, gates, driveways, walkways, screening elements, and the location and treatment of mechanical and utility equipment. All material specifications, color swatches, and architectural renderings shall be included to support a full and informed review. Applications lacking sufficient specificity may be deemed incomplete.

(f) Minor exterior alterations that are consistent with the current architectural style of the structure such as window and door replacements, façade treatments, and roof replacements are exempt from the certificate of review process and are solely subject to the building permit review process.

(g) In order for HPB to make a determination on demolition on portions of a structure, a due diligence assessment must be completed and submitted as part of the certificate of review application materials to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas. A due diligence assessment is a comprehensive evaluation of the structure's architectural integrity, and structural condition to ensure informed decision-making regarding proposed changes. Any portion of a historic home proposed for demolition, exterior alteration, rehabilitation, restoration, renovation, or addition must be explicitly identified in the application and visually marked on architectural plans. These areas shall be reviewed by the HPB, which must provide approval before any demolition activities commence. The HPB may require additional justification or modifications to ensure the integrity and character of the historic home are preserved to the maximum extent feasible. Certificate of review applications that do not satisfy the due diligence requirements or fail to clearly indicate any demolition, exterior alteration, rehabilitation, restoration, renovation, or addition areas will be deemed incomplete and will not proceed to review by the HPB until such areas are clearly identified.

Sec. 58-479. - Guidelines for demolition/significant changes of designated properties or properties within historic districts.

In addition to all other provisions of this article, in determining whether to approve or deny an application involving more than minor exterior changes to the exterior façade(s) or the demolition of designated structures on ~~properties or~~ properties located within designated historic districts, the HPB shall consider the following criteria:

- (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 and scale of a designated historic 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 presented to the HPB for approval, if the proposed demolition is carried out, and such plans shall be for an authentic re-creation of architectural styling prevalent during the era of the predominant development of the district and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements (see section 58-481 (9)) are exempt from the provisions of subsections (1) through (5) above.

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.

(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 of the historic district when such design standards have been adopted and if no design standards have been adopted, then the replacement shall be an authentic re-creation of an architectural style that reflects a prevalent architectural style of the era of development of the district.

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

The loss of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the demolished building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places. This section shall only apply as indicated above to circumstances where an individually designated historic landmark structure or a contributing historic structure

within a local or national register historic district has been damaged or destroyed by fire, tornado or other natural disaster.

Sec. 58-500. - Violations.

(a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any other code enforcement remedy or penalty afforded by law to the city~~criminal prosecution and civil penalty otherwise provided in this Code.~~

~~(b) Any person who carries out or causes to be carried out any work in violation of this article that causes irreparable or irreversible damage to a designated historic resource, or to any contributing or noncontributing resource within a designated historic district a fine not to exceed three times the amount per violation provided for in section 2-107 in this Code.~~ Any person who violates this article is subject to code enforcement fines and liens as may be imposed by the Code Compliance Board. Without limiting the foregoing, the Code Compliance Board has the authority to order the restoration of any unauthorized removal or significant alteration to the exterior of a structure, or demolition in part or in whole, to a designated historic structure, or to any contributing or noncontributing structure within a designated local or national register historic district to exactly the same condition and exterior materials as existed prior to the alteration or demolition and impose a fine for each day until such is achieved. After finality on any timely filed, allowable appeal of the HPB's decision, the Code Compliance Board has the authority to enforce the HPB's decision under subsection (c) and impose a fine for each day until compliance is achieved.

(c) In violation cases where there exists a certificate of review approval by the HPB for said property or structure and no such specific HPB approval has been granted for such unauthorized significant alterations to the exterior or demolitions, the HPB, after conducting a noticed public hearing and giving the applicant an opportunity to be heard, may (i) revoke the certificate of approval and any variances previously granted by the HPB and require full reconstruction of the pre-existing structure, which may include an authentic replica with authentic exterior materials; or (ii) amend the certificate of approval and revoke some or all variances previously granted by the HPB. Any decision rendered by the HPB may be appealed subject to the provisions in Section 58-477.

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

SECTION V: 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 VI: CODIFICATION. Sections III 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 VII: 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 28th day of May, 2025.

Sheila DeCiccio, Mayor

Attest:

Rene Cranis, City Clerk