

ARTICLE VIII. HISTORIC PRESERVATION¹

DIVISION 1. GENERALLY

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

- (a) *Short title.* This article shall be cited as the Winter Park Historic Preservation Code.
- (b) *Intent and purpose*
- (1) The purpose of these regulations is to establish the framework for a comprehensive historic preservation program in the city.
 - (2) It is 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.

¹Editor's note(s)—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.

(Ord. No. 2688-06, § 1, Exh. A(58-433), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15; Ord. No. 3040-16, § 2, 6-13-16)

Sec. 58-434. Definitions.

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

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

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

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

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

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

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

City means the City of Winter Park.

Contributing element (or contributing) 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.

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

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

Historic 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 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 preservation board (HPB) means the City of Winter Park Historic Preservation Commission Board as created by sections 58-445 and 58-446.

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

Historic survey means the results of a systematic process 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.

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.

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

Ordinary repairs and maintenance means any:

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

Property means land and the buildings and improvements on it.

Property owner means the individual or entity in possession of title for land and the buildings and improvements on it. Any person or entity claiming to be a property owner shall provide the city with proof of such ownership interest.

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) 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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 BOARD²

Secs. 58-441—58-444. Reserved.

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

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

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.); Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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. 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

²Editor's note(s)—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.

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.

(Ord. No. 3024-15, § 1(Exh. A), 12-14-15; Ord. No. 3206-21 § 3, 5-12-21; 3217-21 § I, 9-22-21)

Sec. 58-447. Functions, powers and duties of the historic preservation board.

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

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

(Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.); Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Editor's note(s)—Ord. No. 3024-15, § 1(Exh. A), adopted Dec. 14, 2015, renumbered § 58-446 as § 58-447.

Secs. 58-448—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 be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in section 58-433. The eligibility of any potential historic landmark, resource or district shall be supported by meeting applicable criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

- (1) The criteria for the designation of historic landmarks and historic resources are as follows:
 - a. A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations; and
 - b. At least one of the following:
 1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. That are associated with the lives of persons significant in our past; or
 3. That embody the distinctive characteristics of a type, period, or method of construction; or
 4. That represent the work of a master; or
 5. That possess high artistic values; or
 6. That represent a significant and distinguishable entity whose components may lack individual distinction; or
 7. Those have yielded, or may be likely to yield, information important in prehistory or history.
- (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 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.

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.
- (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:
 1. That at least 50 percent of the homes in the proposed district are individually designated historic homes or contributing homes;
 2. Explaining its historic, cultural, aesthetic or architectural significance;
 3. The specific National Register of Historic Places criteria (two or more) that apply to the proposed district; and
 4. Including 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.

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- 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 noncontributing 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 website. 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 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 noncontributing elements, a staff recommendation and the results of listing which may include guidelines for review, and appropriate incentives. For each proposed designation of a historic district, the city is responsible for mailing a notice of public hearing to all property owners of record whose property is located within the boundary of the designation 15 days prior to the public hearing held pursuant to this section, however failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and county at least 15 days prior to the hearing.
- (3) Decision of the HPB. If, after a public hearing, the HPB finds that the proposed local historic landmark, resource or district meets the criteria set forth in section 58-456, it shall transmit such findings to the city commission along with the recommendation that the designation be approved. The historic landmark or resource shall only be recorded in the Winter Park Register of Historic Places following adoption of a resolution of the city commission approving such designation. The designation of a historic district shall only be created following the adoption of an ordinance of the city commission approving such designation. The city commission shall have final decision making authority over whether to approve or deny any request for designation under this division.

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- (4) A copy of the resolution(s) designating the historic landmark, resource or district and the adopted guidelines for review shall be sent to:
 - Planning and community development department (all divisions);
 - Building and permitting services department;
 - Code compliance division;
 - City clerk;
 - Public works department;
 - Owners of the affected property and other parties having an interest in the property, if known.
 - (5) Following the published date of a public hearing before the HPB, no permits shall be issued by the building and permitting services department, except for permits that do not require the review of the HPB, for any new construction, exterior alterations, rehabilitation, restoration, renovation, addition, relocation, 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 overlay, which shall be placed over the existing zoning. The regulations and procedures for both the zoning district and the historic landmark, resource or district regulations shall apply.
 - (7) Should the city commission deny a request for historic district designation, the city shall notify all property owners within the proposed district by mail of the decision and contemporaneously post the notice of the decision on the city website.
 - (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.

(Ord. No. 2688-06, § 1, Exh. A(58-443), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15; Ord. No. 3040-16, § 3, 6-13-16; 3217-21 § III, 9-22-21)

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 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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. 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.

(Ord. No. 2688-06, § 1, Exh. A(58-444), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-468. Review requirement.

The HPB shall review and render a decision during an advertised public hearing on applications for certificates of review for any proposed exterior alterations, rehabilitation, restoration, renovation, or addition, or any proposed new construction, demolitions, or relocations of:

- (1) Designated historic landmarks;
- (2) Historic resources;
- (3) Contributing and noncontributing resources within historic districts;
- (4) City-owned historic properties and sites; and
- (5) Historic properties for which the city has received a facade or preservation easement in keeping with the applicable design guidelines.

Provided however, the HPB shall not have the authority to review and render a decision on interior alterations to structures that do not affect the exterior or structural integrity of the structure. The HPB may approve, approve with conditions, or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-482, the provisions of this section shall still apply.

(Ord. No. 2688-06, § 1, Exh. A(58-445), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-469. Guidelines for review.

It shall be the intent of the HPB 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 HPB, regarding applications for administrative certificates of review.

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- (1) The U.S. Secretary of the Interior's Standards for Rehabilitation, as periodically revised, 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 HPB 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 for the purposes of this chapter, 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, stormwater 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 58-89(c)(2).
 - b. All variance requests through the HPB certificate of review process shall be limited to properties with individual landmark, resource or historic district designation. This landmark, resource or district designation must be completed before issuance of a building permit for the work that requires a variance.
 - c. The appeal of a decision to grant or deny a variance by any person aggrieved by the decision of the HPB shall be taken to the city commission after following the notice criteria of subsection 58-89(c)(2) if filed within 15 days of the date of the decision by the HPB.
 - (3) The HPB may also allow garage apartments or accessory cottages to be determined to be conforming uses on designated historic landmarks or resources, 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 HPB, however, no garage apartment or accessory cottage shall be closer than five feet to a rear or side line, unless such setback currently exists, or may be in a required front setback.
 - c. It is desirable that garage apartments or accessory cottages not exceed 750 square feet of living area. The HPB may reduce or enlarge this square-foot limitation depending on the configuration or size of the property; provided, however, garage apartments or accessory cottages shall not exceed 1,000 square feet in size.
 - d. Conversion of any existing garage space shall not be allowed, but an existing garage may be enlarged in height or ground area to accommodate the garage apartment. Garage apartments or accessory cottages may utilize a separate electric meter and utility connections contingent upon meeting the parking requirements for an accessory dwelling unit.
 - e. Tenants must be provided on-site parking space(s) behind the front setback of the principal residence. All required parking spaces must be accessed independently and shall not require moving any vehicle to allow another vehicle to enter or exit from the property. All vehicles shall be parked on site in spaces conforming to setbacks so that no regular daytime or overnight parking occurs on city streets. Violation of these terms and conditions may result in enforcement action by code compliance.

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- (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, subject to final approval by the HPB.
 - (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.

(Ord. No. 2688-06, § 1, Exh. A(58-446), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-470. Forms.

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

(Ord. No. 2688-06, § 1, Exh. A(58-447), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-471. Delegation of review authority.

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

(Ord. No. 2688-06, § 1, Exh. A(58-448), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-472. Administrative review.

Based upon the standards for rehabilitation, the designation report, a complete application for a building permit, 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 an administrative review prior to the issuance of a building permit. The decision shall be based upon the standards in subsection 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. 3024-15, § 1(Exh. A), 12-14-15)

Editor's note(s)—Ord. No. 3024-15, § 1(Exh. A), adopted Dec. 14, 2015, amended § 58-472 in its entirety to read as set out herein. Former § 58-472 pertained to standard certificates and derived from Ord. No. 2688-06, § 1, Exh. A(58-449), adopted Oct. 9, 2006.

Sec. 58-473. Certificates of review.

- (a) An applicant for a special certificate of review whether for new construction, exterior alteration, rehabilitation, restoration, renovation, addition, demolition, or relocation shall submit an application to the

HPB accompanied by photographs, elevations, site plans, floor plans, and samples of materials as deemed appropriate by the HPB 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 HPB 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 HPB shall be provided with the details for the proposed disposition of the site. The HPB 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 HPB will rule upon applications for a certificate of review during a public hearing. A notice of the hearing shall be published in a newspaper of general circulation within the city at least 13 days in advance of the hearing. Written notice of the time and place of the hearing and the proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the property requesting a certificate of review. A notice shall also be posted upon the property at least 15 days in advance of the hearing.
- (d) An approved certificate of review and any accompanying variance(s) shall expire one year after the date of approval if the approved construction, rehabilitation, restoration, renovation, addition, demolition, or relocation has not physically commenced on the property within such time period. Upon the request of the property owner, staff may administratively extend the approval for an additional year. Thereafter, upon request by the property owner one additional one year extension may be granted by the HPB upon good cause.

(Ord. No. 2688-06, § 1, Exh. A(58-450), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-474. Decision of the board.

The decision of the 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 HPB finds appropriate. The decision of the HPB 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 certificate of review for the work proposed by the applicant; or
- (2) Issuance of a certificate of review with specified modifications and conditions; or
- (3) Issuance of a certificate of review with recommendations for zoning required for the preservation of the building or site and those recommendations shall be placed on the agenda of the soonest possible planning and zoning board meeting;
- (4) Denial of the application and refusal to grant a certificate of review; or
- (5) Issuance of a certificate of review with a deferred effective date of up to 12 months from the date of the HPB'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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-475. Time limit.

The HPB shall act upon an application within 60 days of receipt of the proposed action. The time limit may be waived at any time by mutual written consent of the applicant and the HPB.

(Ord. No. 2688-06, § 1, Exh. A(58-452), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-476. Records.

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

(Ord. No. 2688-06, § 1, Exh. A(58-453), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-477. Appeals.

- (a) Any substantially affected party may appeal any decision of the HPB 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.

The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPB's decision based upon the standards in section 58-469 and guidelines in section 58-479. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts having jurisdiction over the matter.

(Ord. No. 2688-06, § 1, Exh. A(58-454), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-478. Change in approved work.

The HPB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPB'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 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 HPB, a new application for a certificate of review shall be required.

(Ord. No. 2688-06, § 1, Exh. A(58-455), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-479. Guidelines for demolition 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 the demolition of designated properties or properties located within designated historic districts, the HPB shall consider the following criteria:

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- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
 - (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
 - (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
 - (4) The structure contributes to the historic character of a designated district.
 - (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
 - (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements are exempt from the provisions of subsections (1) through (5) above.

(Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Editor's note(s)—Ord. No. 3024-15, § 1(Exh. A), adopted Dec. 14, 2015, amended § 58-479 in its entirety to read as set out herein. Former § 58-479 pertained to guidelines for issuance—demolition, and construction, excavation or other disturbance in archaeological zones and derived from Ord. No. 2588-06, § 1, Exh. A(58-456), adopted Oct. 9, 2006.

Sec. 58-480. Identified interred archaeological site.

In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPB 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 HPB. 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. 3024-15, § 1(Exh. A), 12-14-15)

Editor's note(s)—Ord. No. 3024-15, § 1(Exh. A), adopted Dec. 14, 2015, enacted a new § 58-480 to read as set out herein and renumbered the former § 58-480, pertaining to reconstruction of destroyed historic landmarks, as § 58-482.

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, upon receipt of a complete application for a demolition permit, the city shall have 90 days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90-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-day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 90-day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

- (2) For properties with buildings or structures identified in the Florida Master Site File, upon the city's receipt of a complete application for a demolition permit, the city shall have 90 days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 90-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-day period and the purpose of such. During this 90-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), (2) and (3) above, the following alternatives to demolition should be considered:
 - a. The feasibility of moving or relocating the structure;
 - b. The feasibility of purchasing the structure, either privately or through the use of public funds;
 - c. 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.
 1. 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.
 2. For good cause shown, and with the agreement of the property owner, the consideration periods under subsections (1), (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.

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3. The criteria set forth in section 58-479 do not apply to applications for demolition permits under subsections (1) and (2) above. The HPB does not have the authority to approve or deny an application for demolition permit under those subsections.
 4. 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.
 5. 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;

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- 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.

(Ord. No. 3024-15, § 1(Exh. A), 12-14-15; 3217-21 § IV, 9-22-21)

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.

(Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Secs. 58-483—58-489. Reserved.

DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 58-490. Incentives.

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

(Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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 for nominations to the National Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A(58-458), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15; 3217-21 § V, 9-22-21)

Sec. 58-492. 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 sections 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 facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade 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 facade alterations that markedly change the exterior materials or appearance of the entire building or a substantial portion of the building facade 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.

(3217-21 § VI, 9-22-21)

Ord. No. 3217-21 § VI, adopted Sept. 22, 2021, renumbered the former § 58-492 as § 58-493 and enacted a new § 58-492 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 58-493. Certified local government performance.

The HPB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPB 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 HPB to the state historic preservation officer within 30 days of each meeting.

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- (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 HPB 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 HPB.
 - e. Revised resumes of HPB 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15; 3217-21 § VI, 9-22-21)

Editor's note(s)—See editor's note to § 58-492.

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 HPB 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-496. Unsafe structures.

In the event the building official determines that any designated building or contributing structure within a designated historic district is unsafe pursuant to the Florida Building Code, he or she shall immediately notify the HPB 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 HPB. The HPB may take appropriate actions to effect and accomplish the preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, if such actions do not interfere with procedures in the Florida Building Code.

(Ord. No. 2688-06, § 1, Exh. A(58-466), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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 HPB 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-499. Reserved.

Editor's note(s)—Ord. No. 3024-15, § 1(Exh. A), adopted Dec. 14, 2015, repealed § 58-499 in its entirety. Former § 58-499 pertained to inordinate burden and derived from Ord. No. 2688-06, § 1, Exh. A(58-469), adopted Oct. 9, 2006.

Sec. 58-500. Violations.

- (a) Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature or site either to its appearance prior to the violation or in accordance with a certificate of review approved by the HPB. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and civil penalty otherwise provided in section 2-107 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.

(Ord. No. 2688-06, § 1, Exh. A(58-470), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Secs. 58-501—58-509. Reserved.

DIVISION 6. TAX EXEMPTIONS FOR HISTORIC PROPERTIES

Sec. 58-510. Reserved.

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

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

(Ord. No. 2688-06, § 1, Exh. A(58-476), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-512. Duration of tax exemptions.

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

(Ord. No. 2688-06, § 1, Exh. A(58-477), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-513. Eligible properties and improvements.

- (a) Property is qualified for an exemption under section 58-511 if:
 - (1) At the time the exemption is granted, the property is:
 - a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
 - b. A contributing property within a National Register listed district; or
 - c. Individually listed in the Winter Park Register of Historic Places or noted as a contributing structure within a designated local historic district as enacted by ordinance of the city commission.
 - (2) The HPB has certified to the city commission that the property for which an exemption is requested satisfies subsection (a)(1) above.

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- (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 HPB 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 subsection 58-513(b) above if the property meets the following criteria:
 - (1) The property must be used for commercial purposes or used by a not-for-profit organization under Section 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 F.S. § 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 40 hours per week for 45 weeks per year, or an 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.

Only those portions of the property used predominantly for the purposes specified in subsection 58-513(c) shall receive the ad valorem tax exemption of up to 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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 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 HPB that the property that is to be rehabilitated or renovated is a historic property under this section.
 - (4) Proof to the satisfaction of the HPB that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Department of State.
 - (5) Other information identified in appropriate Florida Department of State regulations.
- (b) Following approval by the city commission, any person, firm or corporation who is claiming the ad valorem tax exemption provided under Section 513(b) shall, on or before March 1 of each year, file an application for

exemption with the Orange County Property Appraiser describing the property for which exemption and certifying its ownership and use.

(Ord. No. 2688-06, § 1, Exh. A(58-479), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-515. Required restrictive covenant.

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

(Ord. No. 2688-06, § 1, Exh. A(58-480), 10-9-06; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

Sec. 58-516. Review by the HPB historic preservation board.

The HPB or its successor is designated to review applications for exemptions. The HPB 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)

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 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; Ord. No. 3024-15, § 1(Exh. A), 12-14-15)