

March 28, 2016

To: Fellow members of the Winter Park City Commission

From: Pete Weldon

I ask that we consider changes to the Historic Preservation ordinance.

Step one is to assure our homeowners that they determine that participation in a Historic District is appropriate for them. Our guiding principle should be that historic preservation is an important personal value system to be adopted voluntarily and recognized by the city. This can be accomplished by immediately changing a few aspects of the existing ordinance as proposed below.

Step two is to simplify the rules for those properties now voluntarily subject to Historic Preservation Board review so as to encourage, rather than compel, participation in historic preservation.

Step three is to provide incentives to encourage voluntary participation in Winter Park historic preservation with a focus on quality over quantity.

**Changes to Ordinance No. 3024-15 to have a first reading at the city commission meeting of April 11, 2016.**

**Modify SEC. 58-433 (2)** *[Intent: To codify that the policy of the city is to encourage historic preservation through voluntary means.]*

Change: "It shall be the policy of the city to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures, sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, state, or nation to achieve the following objectives: ..."

To: "It shall be the policy of the city to promote the educational, cultural, and economic welfare of the public by encouraging voluntary preservation and protection of 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: ..."

**Remove SEC. 58-447 (6)** *[Intent: All variances for properties listed on the Winter Park Register of Historic Places and within designated Historic Districts are to be pursued through the Board of Adjustment under its existing rules and procedures.]*

**Modify SEC. 58-457 (2) (c)** *[Intent: Restore two thirds voting requirement to form historic district.]*

Change: "Upon receipt of a favorable vote representing the ownership of fifty percent (50%) plus one of the properties within the nominated district..."

To: "Upon receipt of a favorable vote representing the ownership of two thirds of the properties within the nominated district..."

**Add SEC. 58-457 (2) (e)** *[Intent: Codify voluntary participation in Certificate of Review oversight.]*

Any ownership interest voting against inclusion of their property in a nominated district shall exempt the property from Certificate of Review oversight unless such property is listed on the Winter Park Register of Historic Places at the time of the vote, or is later added to the Register.

## **Issues proposed for study and recommendation by HPB.**

### **Master Site File, Contributing Property, Non-contributing Property.**

Study of our HP ordinance and practices revealed that we have no independent and professional judgment of historic significance. While the city engaged a consultant many years ago (1986?) to assess Winter Park properties for historic significance, the resulting list is now obsolete and, as well, includes properties included without independent or professional input. Further, until recently, few impacted property owners were aware they were on a list or understood the implications of being on a list.

There is a need to clarify the status of the State of Florida Master Site File. Research into this state maintained list indicates that anyone can submit a property for inclusion on the list and that the property owner is not informed of such inclusion, nor will requests by owners for removal from the list be honored. As such, although seemingly required to be maintained by the State as part of the Federal National Register program, there is nothing "official" about the list. There are no standards established for inclusion on the list other than a "resource" needs to be at least 50 years old, and there are no audits or controls managing the content of the list. The list is thus meaningless as to determination of historic significance.

Independent assessment by professionals with broad experience assessing properties for National Register status would seem to be a required starting point for compiling an updated list of Winter Park Historic Resources if Winter Park is going to pursue historic preservation.

There is a need to formalize the process for being added to the list of Winter Park Historic Resources. The process should require independent and professional judgment of historic significance. Determination of properties included on this list should require the written approval of the property owner, the HPB, and the city commission.

The language in the ordinance regarding "Contributing Properties" and "Non-contributing Properties" needs to be related to the process of being added to the list of Winter Park Historic Resources. Currently, it is not clear that all "Contributing Properties" and only "Contributing Properties" are to be included on the list of Winter Park Historic Resources. It is also unclear how the list of Winter Park Historic Resources relates to the HP ordinance. This needs to be sorted out.

The current open ended and arbitrary approach to making Certificate of Review determinations needs to be limited in scope if we are to encourage more voluntary participation. For example, limiting the review requirement to street facing façade could be expected to significantly reduce the risk and uncertainty to agreeing to join a Historic District. Another issue to address as to appropriate regulatory oversight is historic classification; National Register property, Winter Park Register property, contributing property, non-contributing property.

### **Incentives to encourage voluntary historic designation.**

The policy goal should be to encourage owners of the most historically significant properties in Winter Park to voluntarily apply for listing on the Winter Park Register of Historic Places.

One place to start implementing this priority is to help owners apply for National Register status and then to provide a small level of city support for maintaining such properties when National Register status is granted. Alternatives include using city funds to engage consultants to prepare and apply for National Register status with the owner's permission, and if National Register status is granted, to accrue a small annual maintenance fund for each such property as evidence of community support for the owner's commitment to historic preservation (such funds to be at level of recognition, not subsidy).

Currently, the city pays for historic plaques for homes volunteering for the Winter Park Register, but does not provide any recognition for contributing properties within historic districts. Such recognition may be appropriate where owners agree to "Contributing" status and/or agree to Certificate of Review for exterior changes as part of a Historic District.

HPB may be asked to re-study the opportunities for community recognition of property owners who volunteer their property for historic preservation, to assess the above ideas as well as provide the commission with evidence of community recognition from other jurisdictions.