
Sec. 94-48. - Designation of historic properties, districts and landmarks.

a. *Guidelines for historic designation .*

1. **Historic property or district.** To qualify as a property or a district, individual properties must have significance in American history, architecture, archeology, engineering or culture and possess integrity of location, design, setting, materials, workmanship, and association. For districts, eligibility is based on the establishment of historic contexts or themes which describe the historical relationship of the properties within the district. The property or district shall be at least 50 years old (in the case of a district, at least 50 percent of the buildings shall be at least 50 years old), and shall be significant in one or more of the following areas:
 - a. Association with events that have made a significant contribution to the broad patterns of the city's history; or
 - b. Association with the lives of persons significant in the city's past; or
 - c. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. Has yielded, or may be likely to yield, information important in prehistory or history.
 1. Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings or structures that have been moved from their original locations, reconstructed historic buildings or structures, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the West Palm Beach Register of Historic Places. However, such a property will qualify if it is an integral part of a district or if it meets any of the following descriptions:
 - i. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - ii. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving resource most importantly associated with a historic person or event; or
 - iii. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with such figure's productive life; or
 - iv. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
 - v. A reconstructed building or structure when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - vi. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own exceptional significance; or
 - vii. A property achieving significance within the past 50 years if it is of exceptional importance.
2. **Landmark.** To qualify as a landmark property in the Downtown Master Plan area, the property shall have outstanding significance in American history, architecture, archeology, engineering or culture and possess exceptional integrity of location, design, setting, vistas, materials, workmanship, and association. To qualify as a landmark district in the Downtown Master Plan area, eligibility shall be based on the historic context which describes the historical relationship of the properties within the district. The property or district shall be at least 50 years old and, in the case of a district, at least 50 percent of the buildings shall be at least 50 years old. Such property or district shall be exceptionally significant in one or more of the following areas:
 - a. Association with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad patterns of the city's history and from which an understanding and appreciation of those patterns may be gained; or

- b. Association with the important lives of persons significant in the city's past; or
 - c. Properties that represent some great idea or ideal of the American people; or
 - d. Embodies a high level of historic integrity of the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - e. Properties that are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture.
 - f. Has yielded, or may be likely to yield information, of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.
3. Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings or structures that have been moved from their original locations, reconstructed historic buildings or structures, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible as a landmark, unless such property is an integral part of a district, or if it meets any of the following descriptions:
- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving resource most importantly associated with a historic person or event; or
 - c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with such figure's productive life; or
 - d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
 - e. A reconstructed building or structure when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
 - f. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own exceptional significance; or
 - g. A property achieving significance within the past 50 years if it is of exceptional importance.

b. *Procedures .*

1. *Eligible applicants.*

- a. Applications for historic designation or landmark status may be initiated by only the following:
 - 1. Historic preservation board.
 - 2. City commission.
 - 3. Preservation planners.
 - 4. A property owner for designation of a site.
 - 5. A majority of property owners (51 percent) for designation of a district.
 - b. Only the board or the city commission may initiate designation of a property or district owned by the city, county or state or by an entity created by state law. For district designations, each property shall be allotted one vote. The identity of the property owners shall be determined by the most current county property tax rolls.
2. *Application form.* Nominations for historic designations shall be made only on application forms approved by the board. Properties seeking landmark designation shall submit a maintenance plan as part of the application.
3. *Board agenda.* Following the preservation planners' determination that an application for designation is complete, the application shall be scheduled for a public hearing by the board.
4. *Board public hearing notice.* The board shall advertise and hold a public hearing in accordance with F.S. § 166.041. Notice of the time, place and subject matter of the hearing shall be published in a newspaper of

general circulation in the city, mailed to the applicant and mailed to any owner of real property within 400 feet of the property or district subject to potential designation, at least 30 calendar days prior to the date set for the public hearing.

5. *No action permitted during pendency.* During the period that a designation application is pending, no changes to the property or district shall be made unless first approved by the board. The application is considered pending until the final decision on the designation is made by the city commission.
 6. *Board recommendations.* The board shall make a recommendation as to the proposed designation at the public hearing, based on findings of fact which support the recommendation. The board's recommendation shall be reduced to writing within 15 working days after the hearing date. If the board votes to recommend approval, it will forward the application with recommendations to the city commission. If the board recommends denial, no further action is required unless an applicant, or not less than two-thirds of the affected property owners (in the case of a district), appeals to the city commission. In such event the city commission may reconsider designation or require the board to do so.
 7. *City commission decision.* Within 45 working days after the board hearing, a designation application with a board recommendation for approval shall be scheduled for hearing by the city commission. The city commission may approve or deny the designation application. Alternatively, the city commission may approve the designation with conditions or delay designation for up to one year. The city commission shall make written findings of fact on which its decision is based.
 8. *West Palm Beach Register of Historic Places.* A property or district designated by the city commission as historic shall be listed in the West Palm Beach Register of Historic Places. All properties and districts designated under the previous city historic preservation ordinances are deemed designated under this chapter and shall be accorded all protection and be subject to all historic preservation regulations contained in this chapter. Properties listed in, or eligible for listing in the National Register or on the West Palm Beach Register of Historic Places, either as a property or as a contributing property within a district, shall be entitled to modified enforcement of the city's applicable building codes.
 9. *West Palm Beach Landmark.* A property or district designated by the city commission as a landmark shall be listed in the West Palm Beach Register of Historic Places with a special annotation as landmark. Properties listed in, or eligible for listing in the National Register or on the West Palm Beach Register of Historic Places, either as a landmark property or as a contributing property within a landmark district, shall be entitled to modified enforcement of the city's applicable building codes. Landmark properties shall submit and adhere to a maintenance plan approved as part of the designation process and to be eligible for the TDR transfer.
 10. *Designation recorded.* The historic or landmark designation ordinance shall be recorded in the official records of the county within ten working days of the designation decision. The designation shall be noted in the official records of the city's planning and construction services departments to ensure that all city actions taken in connection with the subject property or district are taken subject to the designation.
 11. *Historic district street signs.* For districts, the city shall erect standardized street signs identifying the district within two years from the date of such designation, subject to economic feasibility. The design shall be first approved by the board.
- c. *Removal of designation.* A designation may be removed by the city commission based upon the board's recommendation. Such recommendation shall be based upon new and compelling evidence and evaluation of work or natural cause producing an adverse effect to a property or district. The same guidelines and the same procedures established for designation shall be considered for a removal of designation.
 - d. *Designation of county, state or other political subdivision properties.* County, state or political subdivision entity-owned properties may be designated as a property or district if such designation is not prohibited or preempted by law, or otherwise provided for in the intergovernmental coordination element of the comprehensive plan. In the absence of prohibition, preemption, or other agreement, such other government may only avoid designation of its property by bearing the burden of proof that public interests, on balance, are best served by avoiding such designation. Such determination shall be established by the process as set forth in the historic preservation provisions of this chapter. Once designated, unless reversed upon appeal, such designated property or district shall comply with and be regulated by all regulations contained in the historic preservation provisions of this chapter.
 - e. *Maintenance and repair of designated properties required.* All designated properties or any portion thereof shall be preserved against decay and deterioration and kept free from structural defects.
 - f. *[Rights granted.]* All rights granted and procedures pertinent to properties listed on the West Palm Beach Register of Historic Places shall also be granted to properties listed therein with a landmark annotation.

(Ord. No. 4691-17, § 3, 2-13-2017)

Editor's note— Ord. No. 4691-17, § 3, adopted Feb. 13, 2017, amended § 94-48 in its entirety to read as herein set out. Former § 94-48 pertained to designation of historic properties and districts, and derived from Ord. No. 3554-02, art. IV, adopted July 22, 2002; Ord. No. 4633-16, § 2, adopted May 23, 2016.