

Conservation Districts

Inlet

The Inlet Conservation District extends from the inlet to the northern side of Onondaga Avenue. The development of this northern-most portion of the Town increased after the Palm Beach Company built or extended a number of roads in this area during the late 1930s. Prior to this, much of the area was considered wilderness. The area developed with larger lots along the ocean and lake and smaller lots inland.

North Beach

The North Beach Conservation District extends from the southern side of Onondaga Avenue south to Colonial Lane. The streets in this area run from the lake to the beach and feature numerous cabanas on the ocean. This area, like much of the Town's north end, was developed during the post-World War II building boom.

Garden

The Garden Conservation District runs from Monterey Road to the Palm Beach Country Club. Much of this area was originally part of the famed early Palm Beach scenic attraction the Garden of Eden, which was the estate of early Palm Beach pioneers, Charles and Frances Cragin. The Cragin's transformed their 250 acres into a botanical garden and favorite tourist attraction in Town. By 1925, all of the property had been sold, subdivisions were created, and residential construction followed. Playa Riente, known as Addison Mizner's greatest Palm Beach residential design, was constructed in 1923-1924 on 25 acres from the Cragin estate. It was demolished in 1957 and the land was developed into the Dodge Estates subdivision.

Canopy

The Canopy Conservation District runs from the southern border of the Palm Beach Country Club and the Coral Cut south to Dunbar Road. Home to Duck's Nest and The Vicarage, two of the oldest residences in Palm Beach, the area was developed in the 1920s as large estates by members of some of Palm Beach's wealthiest families. Later many of these estates, such as El Mirasol and the Phipps' family estates, were subdivided and redeveloped. The Coral Cut and Palm Beach Country Club create a physical boundary at the north end.

Flagler

The Flagler Conservation District runs from Atlantic Avenue on the north to the south side of the Breakers Golf Course. Henry Flagler was instrumental in developing this area including the first bridge to the mainland. It is home to Sea Gull Cottage which was Flagler's first winter home in Palm Beach, Whitehall and

the Breakers Hotel. This district also includes the Town's original main street and commercial district along with the Royal Poinciana Plaza and nearby residential.

Mid-Town

The Mid Town Conservation District runs from south of the Breakers property to north of Royal Palm Way. Bethesda-by-the-Sea Episcopal Church is located at the northern end of the district and commercial properties run south along North County Road. While there was some residential development in the 1910s, it was primarily developed during the 1920s and 1930s. During the 1920s City Builders Realty Company was largely responsible for the development of the Sea Streets and Louis Clarke, the son of Charles J. Clarke an early Palm Beach Pioneer, developed the Primavera Estates subdivision. Pendleton Avenue and Pendleton Lane were developed during the Depression Era by some of the Town's most prominent architects and builders as speculative ventures during the lean years.

Royal Park

The Royal Park Conservation District includes Royal Palm Way south to Worth Avenue. Originally developed in the 1910s by E.N. "Cap" Dimick, the first mayor of Palm Beach, and Harvey Geer who formed the Palm Beach Improvement Company. Their Royal Park subdivision included 160 acres of land that contained jungle, sand and muck. They decided that the entire area was to be developed in its entirety at one time and a sea wall was built, areas of the land were filled in, and a bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. The area consists of Town Hall and Mizner's Memorial Fountain, commercial and residential uses. Originally the residential consisted of primarily single family cottages, however a zoning change in 1947 created a building boom that endured for decades, as many houses were replaced by apartments, co-ops, condominiums, and townhouses.

Estate

The Estate Conservation District runs from Golfview Road and Hammon Avenue south to Southern Boulevard and includes Everglades Island. The area is home to many of the grand estates that were designed by the Town's most prominent architects for some of the wealthiest residents during the 1920s. The estates often ran from the ocean to the lake. While some of the grand estates remain intact most were subdivided over the years into smaller, yet still large, parcels. Construction of new residences continued in the area during the depression era and included the development of Everglades Island, which began in the 1930s, its development was halted due to WWII and began again following the end of the war. Many of the grand estates are located along the much traveled South Ocean Boulevard.

Providencia

The Providencia Conservation District includes the area between Southern Boulevard and Widener's Curve with the Bath and Tennis Club at the northeast corner of the district. This is where the Providencia, a Spanish ship carrying nearly 20,000 coconuts, crashed in 1878 on what was to be the Bingham and Bolton estates. The coconuts were sold to local people who planted them and soon coconut palms peppered the island, thus initiating the Town's name Palm Beach. The district consists of primarily large lots that front either the lake or the ocean with South Ocean Boulevard running between. Large estates in the area were designed by prominent architects during the 1920s, many of which have been subdivided and redeveloped. Development increased following the completion of the Southern Boulevard Bridge in 1950 due to significantly faster access to the Island's south end.

Beach South

The Beach South Conservation District runs from Widener's Curve south to Sloan's Curve. The properties are accessed from South Ocean Boulevard which runs along the ocean. This section of South Ocean Boulevard has several large ocean to lake 1920s Mediterranean Revival style estates, designed by Addison Mizner, as well as late 1920s and 1930s estates, designed in classical revival styles by Treanor & Fatio and Volk & Maass. The area is also home to later residences, some of which were built on land subdivided from larger estates. Beach cabanas dot the beach along this stretch of scenic drive on the island.

South End

The South End Conservation District begins at Sloan's Curve and extends to the southern town limits. This area consists of primarily condominiums with some single family and townhomes scattered throughout, including Ibis Isles. Development of the area primarily began following a zoning code change in 1947 that allowed for raising the housing density in this stretch of land. While there was a little development of the area through the 1950s, from the 1960s to the 1980s over 50 condominium buildings were constructed along this narrow three-and-one-half mile ocean to lake piece of land, ever changing the South End of Palm Beach. Phipps Ocean Park, the Palm Beach Par Three Golf Course and a fire station provided additional amenities to the area's residents.

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Legend

- Historic conservation District
- Parcel

1,500 750 0 1,500 Feet

Kimley»Horn

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 WEST PALM BEACH, FL 33411
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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

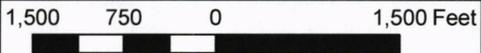


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Legend

- Historic conservation District
- Parcel



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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 2 OF 5



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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

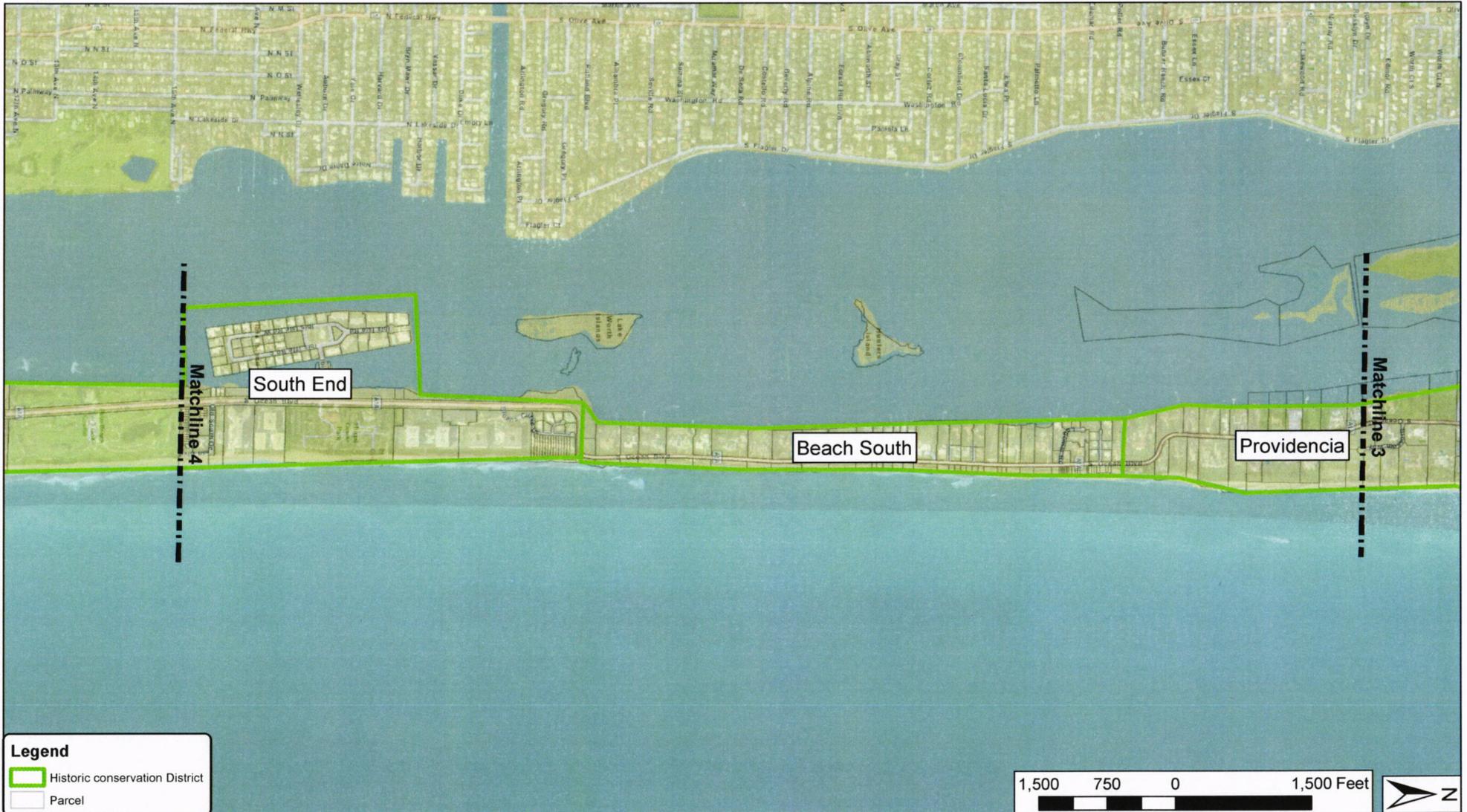
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

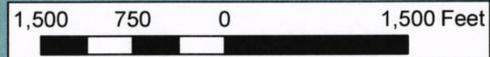
SHEET 3 OF 5





Legend

- Historic conservation District
- Parcel



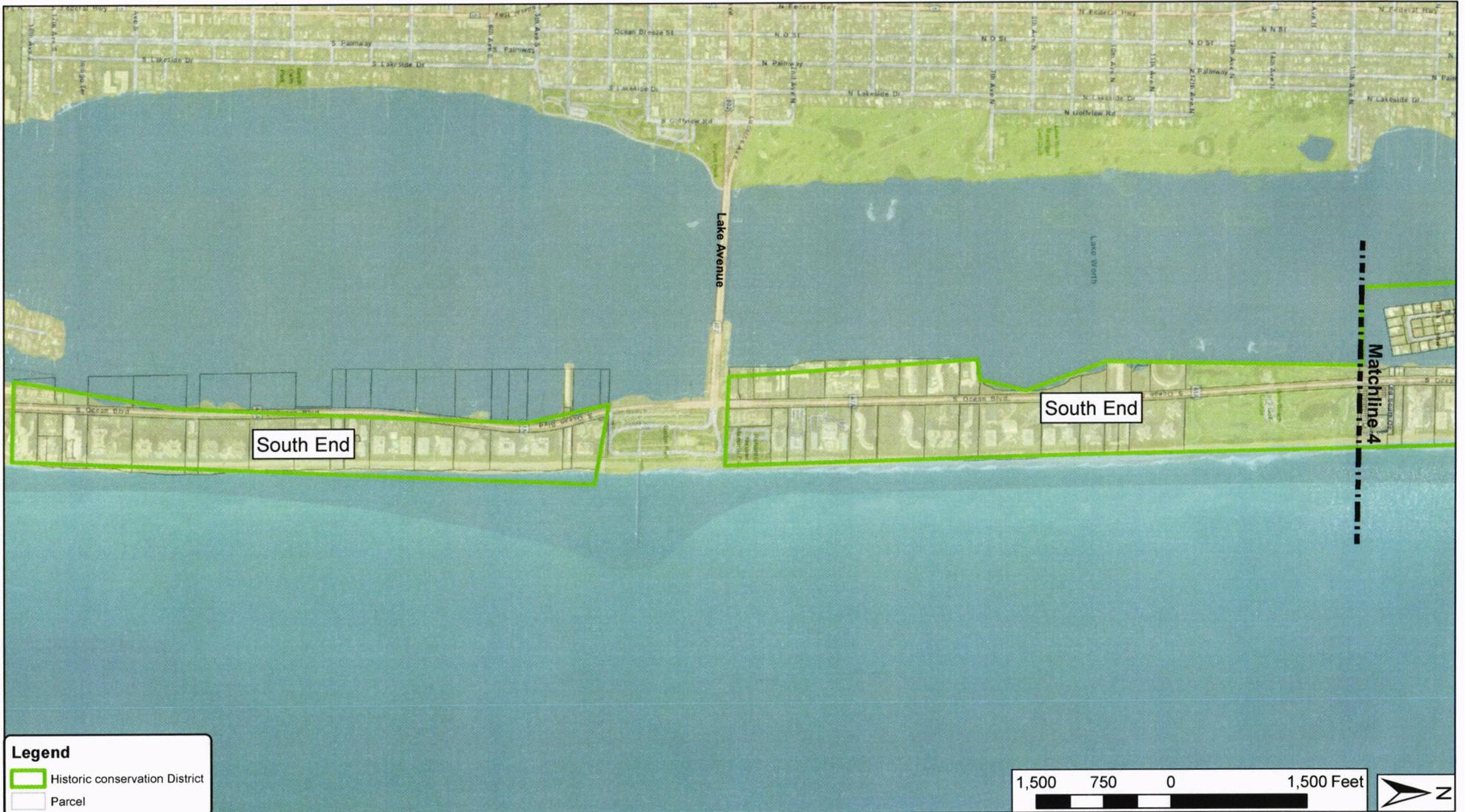
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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

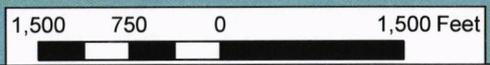


K:\WPB_Civil\044063235 - PZB ASSISTANCE\GIS\TOPB Historic Districts.mxd



Legend

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map



TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 5 OF 5

CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

1201.1 Intent and purpose. It is the intent of this chapter to provide means for occupant safety, property conservation and use of designated historic buildings while protecting those elements, spaces and features that make these buildings historically or architecturally significant.

1201.2 Scope. The provisions of this code acknowledge the need to preserve the character of historic buildings and shall apply to the repair, alteration, restoration, change of occupancy, addition and relocation of historic buildings.

1201.3 Flood hazard areas. In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

Exception: If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing resource within a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

1201.4 Accessibility requirements. For accessibility requirements, see the *Florida Building Code, Accessibility*.

SECTION 1202 DEFINITIONS

ADAPTIVE REUSE. The conversion of functional change of a building from the purpose or use for which it was originally constructed or designed.

ADAPTIVE USE. A use for a building other than that for which it was originally designed or intended.

HISTORIC BUILDING. For the purposes of this code and the referenced documents, an historic building is defined as a building or structure that is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing property in a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

HISTORIC CHARACTER. The essential quality of an historic building or space that provides its significance. The character might be determined by the historic background, including association with a significant event or person, the architecture of design, or the contents or elements and finishes of the building or space.

HISTORIC FABRIC. Original or added building or construction materials, features and finishes that existed during the period that is deemed to be most architecturally or historically significant or both.

HISTORIC PRESERVATION. A generic term that encompasses all aspects of the professional and public concern related to the maintenance of an historic structure, site or element in its current condition, as originally constructed, or with the additions and alterations determined to have acquired significance over time.

HISTORIC SITE. A place, often with associated structures, having historic significance.

HISTORIC STRUCTURE. A building, bridge, lighthouse, monument, pier, vessel or other construction that is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic building or structure.

REHABILITATION, HISTORIC BUILDING. The act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.

RESTORATION. The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features, and repair or replacement of damaged or altered features from the restoration period.

**SECTION 1203
STANDARDS AND GUIDELINES FOR
REHABILITATING HISTORIC BUILDINGS**

1203.1 Historic preservation goal. The historic preservation goal of this code shall be to minimize damage to and loss of historic structures, their unique characteristics and their contents as follows:

1. Maintain and preserve original space configurations of historic buildings.
2. Minimize alteration, destruction or loss of historic fabric or design.

1203.2 Historic preservation objectives.

1. Preservation of the original qualities or character of a building, structure, site or environment shall be encouraged.
2. Removal or alteration of any historic material or distinctive architectural features shall be minimized.
3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
4. A compatible use for a property that requires minimal alteration of the building, structure or site and its environment shall be encouraged.
5. New additions or alterations shall be designed and constructed in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired to the greatest degree possible.
6. Repairs, alterations, restorations, changes of occupancy, additions and relocations shall be guided by the recommended approaches in rehabilitation set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Appendix B).

**SECTION 1204
EQUIVALENCY**

1204.1 Equivalency. Nothing in this code shall be intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance or effectiveness, provided that the following conditions are met:

1. Technical documentation is submitted to the building official to document equivalency.
2. The system, method or device is acceptable to the building official.

**SECTION 1205
COMPLIANCE**

1205.1 Strict compliance. Historic structures or portions of such structures that do not strictly comply with this code shall be considered to be in compliance if it can be shown to the satisfaction of the building code official that equivalent pro-

tection has been provided or that no hazard will be created or continued through noncompliance.

1205.2 Compliance option. Life safety and property conservation shall be provided in accordance with one of the following options:

1. Prescriptive-based provisions of this code.
2. Compliance alternative-based provisions of this code.
3. Performance-based provisions of NFPA 914, Code for Fire Protection of Historic Structures, Chapter 6, along with a structural evaluation as specified in Section 1401.4.1 of this code.

1205.3 Conditions specific to Compliance Options 2 and 3.

1. Architect or engineer required. The evaluation of historic structures utilizing Compliance Options 2 or 3 shall be completed by a Florida-registered architect or engineer and submitted to the building code official for review.
2. Documentation. Historic buildings that are determined to be code compliant through the use of Compliance Option 2 or 3 shall have copies of the architect or engineer's report kept on site and available for review by the building official.
3. Change of report assumptions. Any remodeling, modification, renovation, change of use or change in the established assumptions of the report shall require a reevaluation and reapproval by the building code official.
4. Construction safeguards. Construction safeguards consistent with Chapter 15 and NFPA 914, Code for Fire Protection of Historic Structures, shall be maintained during periods of repair, alteration, change of occupancy, addition and relocation of historic buildings.
5. Maintenance. In addition to the requirements of Section 1204, historic buildings shall be maintained in accordance with Chapters 1, 2, 8, 9, 10 and 11 of NFPA 914, Code for Fire Protection of Historic Structures.

**SECTION 1206
INVESTIGATION AND EVALUATION**

1206.1 Investigation and evaluation report. An historic building undergoing alteration or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the building official by a Florida-registered architect or engineer. Such report shall be in accordance with the provisions of Sections 4.3.1.2 through 4.3.2 of NFPA 914, Code for Fire Protection of Historic Structures and shall identify each required safety feature that is in compliance with this chapter and where compliance with this or other chapters would be damaging to the contributing historic features. In addition, the report shall describe each feature that is not in compliance and demonstrate how the intent of the provisions of this or other chapters are complied with in providing an equivalent level of safety.

special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community;

(2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard; and

(3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

(b) When the Federal Insurance Administrator has delineated Zone E on the community's FIRRM, the community shall

(1) Meet the requirements of paragraph (a) of this section; and

(2) Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Federal Insurance Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 60.6 Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§ 60.3, 60.4, and

60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under § 59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public

Wayne Bergman

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Wednesday, June 10, 2020 11:50 AM
To: Wayne Bergman; Martin, Steve
Cc: Gail Coniglio
Subject: Re: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Gail, Wayne, and Steve,

I completed our review of the revised ordinance. The revised ordinance addresses our previous recommendations and creates a clearer process for the identification, designation, and treatment of historically significant buildings. No further changes from me at this time. I'm interested to hear the town council's reaction and can weigh in if they recommend any additional changes or have any questions.

Best,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, May 22, 2020 3:56 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>; Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: RE: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Friday, May 22, 2020 3:39 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: FW: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Hi Jason,

I had the opportunity to speak with Mr. Bergman, Town of Palm Beach, about another matter, and we started talking about historic structures that the Town would like to designate outside of the Town's Landmarks program. I admitted that while I reviewed the revised language, I had not formally responded concerning the perceived compliance with the National Flood Insurance Program (NFIP). The State Floodplain Management Office opines that if any structure is on a local, state or federal listing of properties approved by the federal or State government (SHPO) as meeting NRHP criterion, the NFIP "exception" or "variance" provisions for substantial improvement will apply. I just wanted to make sure that we provided the Town and your office with our position and to defer the historic qualifications to the SHPO staff.

Thanks, Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
steve.martin@em.myflorida.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Thursday, April 30, 2020 12:18 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: gconiglio@townofpalmbeach.com; Gail Coniglio <gailconig1@aol.com>
Subject: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Jason & Steve – We hope that you are safe and transitioning back to a more normal work environment.

Please recall our earlier discussions and messages regarding a new method to preserve more historically significant buildings in the Town of Palm Beach. I drafted and sent the attached revised amendment to you back in March. I hope that you have had an opportunity to review and consider this new approach. I believe that these changes meet with the process Jason described below. I believe the new draft program addresses all of the comments and concerns raised during an earlier review. It uses the concept of historic conservation districts as the basis for the new preservation effort.

Please review and provide us with your comments. The goal is to preserve more of the historically significant buildings in the Town. Thanks you.

Wayne Bergman, MCP, LEED-AP
Acting Director
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Planning, Zoning, Building
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From: Wayne Bergman
Sent: Thursday, March 12, 2020 10:50 AM
To: 'Aldridge, Jason H.' <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail

Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

Jason and Steve – thank you for your comments and suggestions. I took your direction and drafted a new ordinance to follow the path of historic conservation districts, attached. Jason, thank you for the North Beach example. I also reviewed the conservation districts in Tampa, Sarasota, and Fernandina Beach. As proposed, inside of these new conservation districts would be the homes and buildings we are attempting to preserve. I called these homes and buildings “historically significant buildings” in this draft.

Please review the draft and let us know if we are heading down the right path. From a macro view, and as I have indicated in the past, we are trying to create a new level of historic building that can be protected. In a perfect world we would propose a second-tier landmark building under our Chapter 54 ordinance, like a contributing building, but we have been advised not to amend that landmark ordinance, adopted in 1982.

We have added clear criteria for the creation and approval of the historic conservation districts and for the qualification of historically significant buildings located in the conservation districts. We have added more details to the approval process for alterations to the historically significant buildings in the districts. We have included a requirement for annual reviews of the districts and added an appeal process. Throughout the entire new process, Town P&Z staff and Town experts in historic preservation, would be involved to completely oversee the process and to qualify districts and buildings that would benefit under this program.

To ease in your review, I added responses to your comments and suggestions below in red.

Please review and let me know if this path forward will work for you. Our goal is to place this matter before the Town Council for approval on first reading April 15. Thanks.

Wayne Bergman, MCP, LEED-AP
Acting Director

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Mobile: 561-232-7406

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From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>

Sent: Monday, March 09, 2020 12:30 PM

To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Good Morning Gail,

It was nice to talk earlier today. As I mentioned we do have some concerns and questions, but ultimately a revised version of the ordinance should be acceptable to our office. We're happy to set up a teleconference in the near future if you'd like to discuss the ordinance language in more detail. Comments and questions are below.

Our office reviewed the proposed ordinance language to assess its potential impact on the Town of Palm Beach's CLG status and to provide recommendations regarding the proposed ordinance's applicability to the NFIP and FL Building Code exceptions for historic properties. Regarding the first issue, provided the Town's existing historic preservation ordinance and landmark program are not altered or repealed the Town will still meet CLG requirements. The proposed ordinance is not consistent with CLG requirements, so the inventory and process it establishes will act as a parallel program that cannot substitute for the existing program. Our office is concerned that in establishing a secondary historic registry, the Town may inadvertently undermine the existing landmark program by creating a parallel program offering some of the benefits of the current program with fewer protections for historic structures. **While we agree that is a concern, doing anything to diminish the existing landmark program is not the goal. The goal is to preserve additional buildings. And the "carrot on the stick" incentive is using the FEMA exemption for substantial improvements of historic buildings, found in the Florida Building Code. The buildings we are looking to preserve will not receive the tax abatement-status of landmarked buildings.**

The underlying premise of the proposed ordinance is similar to some architectural conservation districts in the state. In these cases local governments have established certain districts that have historic and architectural significance, but which the local government chooses to manage in ways that differ from the CLG program. These ordinances typically provide clarity regarding the designation and design review process and may serve as an example for how the Town can elaborate on the current ordinance language. The current ordinance provides a vague process for designating "historic contributing buildings." Providing a clearer process in the ordinance is critical to ensure that the exceptions available for historic properties under the NFIP and FL Building Code are applied accurately and consistently by the Town. **Done.** We also encourage you to use an alternative name for this designation, as the "historic contributing buildings" label could be confusing since a new historic district is not being created. We suggest the alternate name "conservation area" or similar. **Done.**

We have several comments and questions that we recommend the Town address to improve the ordinance so that it can effectively apply the options available for historic properties under the NFIP and FL Building Code:

- The designation process needs to be clear and provide adequate documentation of a property's historic significance. In particular the following questions should be addressed: How will properties be identified? **First, they will be located within the new historic conservation districts, second they will be qualified by an expert in historic preservation hired by the Town.** Will property owners or others submit properties for review? **Initially the districts (with clear boundaries) will be prepared and submitted by Town staff, in consultation with our contract historic experts. After approval by the Town council, any subsequent applications for new districts would be made by property owners or other entity.** Will the "Town Staff" responsible for reviewing properties be qualified historic preservation professionals? **Yes, and they are today. The Town currently uses Murphy Stillings LLC and ESI as historic consultants. We also lean heavily on the Preservation Foundation of Palm Beach. The Town is also doing a broad search for a historic preservation planner to assist with this matter and with other endeavors.** Will the landmarks commission have a role in reviewing and approving properties? **No, as this will be a new preservation process outside the scope of the Landmarks Preservation Commission. All applications will be reviewed and approved by the Town historic experts, who will verify that the project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, then subject the application to the Architectural Review Commission standards.** How will the historic significance of the properties be documented and tracked? **The Town historic experts will qualify any building undergoing renovations or alterations by applying the criteria in the ordinance. If determined to be a historically significant building, the building will be identified and tracked in the Town PZB software, similar to a landmark building.** Once included on the list, will properties be reviewed to confirm they retain their historic integrity prior to receiving a historical variance? **The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant.** Changes allowed may be adverse to remove them from the list. What will the process be for removing properties from the list, if

they have incompatible alterations made after inclusion? ? The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant.

- The review process for proposed work seeking a historical exemption also needs to be clear. In particular the following questions should be addressed: Who will be responsible for conducting project reviews? **Town staff and Town experts in historic preservation.** Will reviews be conducted by a qualified historic preservation professional? **Yes.** What design standards will be applied to ensure proposed work will not jeopardize a property's "continued designation as a historically contributing building or structure?" **The Secretary of the Interior's Standards for the Treatment of Historic Properties.** Will the design standards be based on or include the *Secretary of the Interior's Standards for the Treatment of Historic Properties*? **Yes.**

Sincerely,

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

Sent: Monday, February 24, 2020 8:14 AM

To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning Jason and Steve – it has been about a month since we first communicated about a proposed program for additional historic preservation of contributing buildings in the Town of Palm Beach. I sent you both copies of a draft ordinance to create a list of "historically contributing buildings". Mayor Gail Coniglio and I spoke with Jason about three weeks ago, hoping to understand if there may be any concerns on the part of the State agencies. To date we have heard nothing back from SHPO or if this proposed change would be consistent with the Town's CLG designation.

We are hoping that you could complete your review of this proposed program and provide the Town with any feedback you have at this time. It is our goal to adopt this ordinance and expand our historic preservation program to protect the many historically contributing buildings that currently are outside of the Town's landmark program.

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Friday, January 24, 2020 1:55 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Hello Wayne,

Thank you for sending the draft ordinance. I'll need a little time on our end to review the Town's approach and discuss with a few colleagues. In particular, I need to talk with our Certified Local Government Coordinator, Megan McDonald, who works with local governments regarding historic preservation ordinances. I will make an effort to send at least preliminary feedback next week and include any additional questions we have.

Sincerely,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, January 24, 2020 12:55 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Steve and Jason – As I mentioned earlier this week, the Town is looking to expand its set of tools available for the preservation of historic buildings. We have a strong, although somewhat old, landmark ordinance - which the Town Attorney has directed not be amended – ever, for any reason! Therefore, any new historic preservation program, or even a simple preservation incentive, has to be created outside of the Town's exiting historic preservation ordinance, Chapter 54. Staff has approached this expansion by creating a new level of historically significant building, maybe called "Historically Contributing Building", which could possibly be preserved by the owners by claiming the exception to the substantial improvement found in the Florida Building Code (FBC). This is by no means an "end run" around the NFIP, but the carrot here would be the FBC

exception. To qualify, a building would need to meet at least one of the four criteria for landmark designation found in Town Code 54-161; be at least 50 years old; be placed on a list adopted by the Town elected officials; and therefore be eligible to meet the FBC exception. Sort of a "landmark light" building category, but nevertheless a historically significant building category, worthy of preservation.

I have included our most recent draft for your review. This matter has been discussed with our Town Council, and also reviewed by the Town's historic preservation consultants, Murphy Stillings LLC, and by Will Cook, Special Counsel at the Cultural Heritage Partners in Washington, DC. Since we are handcuffed and told by the Town Attorney NOT to amend the existing historic preservation / landmark code, we chose to make the amendments to create the new program in Chapter 18, Buildings & Building Regulations.

We would prefer not to use the FEMA defined variance process to preserve these buildings, instead to have the this new class of historic buildings be eligible to use the substantial improvement exception by right under the FBC, exception #3. As I stated below in my earlier email, owners of these buildings could still decide to raise the homes, or demolish and rebuild the home, at a higher elevation.

Please let me know if you have any suggestions to our approach. Our elected officials would like to move quickly with this matter. I would appreciate a conversation with you both about this program and its details. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Wednesday, January 22, 2020 9:22 AM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Jason.Aldridge@dos.myflorida.com; Joshua Martin <jmartin@TownOfPalmBeach.com>; Moore, Kristabel <Kristabel.Moore@em.myflorida.com>; Riess, Shannon <Shannon.Riess@em.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Wayne,

Thanks for following up on our discussion. I certainly favor an approach like what the Town is considering (but the devil is in the details, so I have reserve judgment), as long as it is based on sound historic preservation objectives, and is not an end run around the NFIP. So, while such otherwise listed properties should be subject to preservation review for construction work to ensure properties remain eligible for historic listing, they should also be subject to NFIP variance review for the minimum necessary to provide relief, but also incorporate treatments that work to make historic structures more resilient to flooding.

We commend your efforts to coordinate and develop workable solutions.

Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
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From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Wednesday, January 22, 2020 8:31 AM
To: Jason.Aldridge@dos.myflorida.com
Cc: Martin, Steve <Steve.Martin@em.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jason – I spoke with Steve Martin with DEM yesterday and he suggested that I contact you to discuss a new developing historic preservation method we are reviewing. The Town of Palm Beach is a CLG and we have an existing landmark program that was put in place in the early 1980's. Our goal is to have a second, lower tier of historic buildings that do not meet the landmark thresholds but are at least 50 years old and to contain at least one of the four historic designation criteria. We are currently having our historic site survey performed, and our consultants, ESI, have identified a large number of buildings meeting the age requirement and also meeting one of the four criteria.

The plan, to date, is to have the historic consultants at ESI prepare a list of the buildings that may qualify for this second tier of historically significant buildings and have the Town elected officials approve the list as a resolution. This list could be amended periodically as some buildings are destroyed and other buildings meet the criteria. We could call this second tier of buildings "historic", or maybe "historically contributing".

This second tier is important to the Town as many owners do not want to have their buildings landmarked. The Town has no other classification of historic building or other mean & methods to preserve historic buildings. This proposed second tier of building would be exempt from the FBC substantial improvement requirement, although since the buildings would not be landmarked, they could be demolished and rebuilt to meet FEMA elevations. We are seeing numerous older homes demolished because of the substantial improvement requirement, as most homes built in Palm Beach are masonry, many with brittle terra cotta tile exterior walls and concrete slabs, which can be difficult and expensive to simply raise to a new elevation. Any renovations to this second tier of historic buildings would be reviewed by the Town historic consultants for verification that the renovation would not remove the qualifying criteria on which the building was originally designated.

Our Town Attorney has been very forceful in demanding that no changes be made to the Town's landmark ordinance, as he is worried about Bert J. Harris lawsuits coming forward. Therefore he has coached the elected officials and staff in proposing code changes outside of the landmark ordinance to create this second tier of historic buildings. That is where we are today.

The issue is that the current landmark ordinance is not working. The Town needs another level of historic building protection.

Our stated goal above (more historic preservation tools) is to be fully compliant with State requirements. So we are looking for your insights and suggestions on how to finalize this new program to be in compliance. The elected officials want to move quickly on this issue. Please review this and call me at your earliest convenience. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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