

POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date: October 26, 2023	Level of Review: N/A
PC Date: November 1, 2023	Type: N/A
BoCC November 21, 2023	Case Numbers: LDCT 2023-17
Date: December 5, 2023	Case Name: Certified Local Government (CLG) Ordinance
Applicant: Polk County	Case Planner: Myrtice Young, Historic Preservation Manager Chanda Bennett, AICP

Request:	Enact a preservation ordinance for eligibility to achieve Certified Local Government status as defined by the National Historic Preservation Act
Location:	Property owner initiated or approved sites, structures or districts considered for historic preservation designation by the Polk County Historical Commission
Property Owner:	Applicable to participating owners
Parcel Size:	Will vary
Development Area/Overlays:	Will vary
Nearest Municipality:	Depends on location
DRC Recommendation:	Approval
Planning Commission Vote:	Approval 7:0
Public Comment:	None

Summary of Analysis:

This is a request from the Polk County Historical Commission requesting the Board of County Commissioners adopt an ordinance for Historical Preservation. The following is a summary of the ordinance.

- **Objective of this ordinance** - The objective of the ordinance is for eligibility to achieve Certified Local Government status as defined by the National Historic Preservation Act.
- **Sections of the Ordinance** – This ordinance is included in the overall Code of Ordinances for Polk County and not the Comprehensive Plan or the Land Development Code. The sections of the ordinance are: Section 1 – Purpose; Section 2 – Definitions; Section 3 – Historical Resources Board; Section 4 – Local Database of Historic Resources; Section 5 – Historic Site, Structure & Designation Criteria; Section 6 – Historic Site, Structure, And District Designation and Removal of Designation Procedures; Section 7 – Regulation of Construction Reconstruction, Alteration and Demolition; Section 8 – State Historic Preservation Officer; Section 9 – Penalties for Violation; Section 10 – Codification in the Code of Ordinances; Section 11 – Severability.

Summary

This is a County-initiated request to approve a Historical Preservation Ordinance. This ordinance is required to be designated as a Certified Local Government that is part of the Certified Local Government Program authorized by the National Register of Historic Places federal legislation but managed in Florida by the Division of Historical Resources in the Florida Department of State.

Certified Local Governments are municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance. Participation in the CLG program allows local governments to partner with State and Federal Agencies and other CLGs to share preservation ideas and experiences, as well as the opportunity to compete for CLG grants.

Data and Analysis Summary

The recent land use development requests along Boy Scout Road, east of US 98, brought attention to the impacts of land development requests on historical resources. This led staff to review the Polk County historical preservation program. The Polk County History Center staff, Land Development staff, and the County Attorney staff brought a variety of information to the Historical Commission, established May 4, 1937, under special act and amended by same 2011 (See Exhibit 1). This included the purpose of the agencies having the authority to designate sites, structures, and districts as historical such as the National Registry of Historical Places under the National Park Service (NPS) and agencies that record historical information such as the Division of Historic Resources with the Florida Department of State.

The NPS has a Certified Local Government (CLG) program in which over 80 Florida jurisdictions participate. Staff reviewed the requirements for the CLG program (See Exhibits 2 and 3) as well as the benefits of the program with the Historical Commission. On May 4, 2023, the Historical Commission recommended the Board adopt the attached Historical Preservation ordinance.

There are two other jurisdictions in the Polk County that are currently a CLG community (Lakeland, and Auburndale). These two cities have more historical structures than Polk County and therefore a more robust CLG program. The recommended sections, listed below, of the proposed Polk County CLG ordinance is based only on ownership participation. The property owner seeking a historical designation of a structure, site or district may request this through an application and review process to be developed by the Historic Preservation Staff. The Historical Commission may nominate a structure, site, or district with property owner consent of the structure, or site and 51 percent (%) of a district. If the property owner wants to alter the property, the property owner must request a Certificate of Appropriateness from the Historical Commission.

Section 1 – Purpose

Section 2 – Definitions

Section 3 - Historical Resources Board

Section 4 – Local Database of Historic Resources

Section 5 – Historic Site, Structure & Designation Criteria

Section 6 – Historic Site, Structure, And District Designation and Removal of Designation Procedures

Section 7 – Regulation of Construction Reconstruction, Alteration and Demolition

Section 8 – State Historic Preservation Officer
Section 9 – Penalties for Violation
Section 10 – Codification in the Code of Ordinances
Section 11 – Severability

Relevant Sections, Policies, and/or Regulations Considered:

- Comprehensive Plan **Section 2.124-G**
- Land Development Code **Section 680**

Findings of Fact

- *This is a request by the Polk County Historical Commission to approve a Historical Preservation Ordinance for eligibility to be a Certified Local Government (CLG).*
- *The Ordinance designates the Historical Commission as the Historical Resources Advisory Board.*
- *The Ordinance includes the following sections:*
 - Section 1 – Purpose
 - Section 2 – Definitions
 - Section 3 - Historical Resources Board
 - Section 4 – Local Database of Historic Resources
 - Section 5 – Historic Site, Structure & Designation Criteria
 - Section 6 – Historic Site, Structure, And District Designation and Removal of Designation Procedures
 - Section 7 – Regulation of Construction Reconstruction, Alteration and Demolition
 - Section 8 – State Historic Preservation Officer
 - Section 9 – Penalties for Violation
 - Section 10 – Codification in the Code of Ordinances
 - Section 11 – Severability
- *Section 2.124-G of the Polk County Comprehensive Plan includes objectives and policies that require Polk County to designate, and map identified historic sites and establish review criteria to protect the designated historic sites from encroachment by incompatible land use.*
- *Policy 2.124-G1 of the Polk Comprehensive Plan requires a Historical Preservation Sites map as part of the Future Land Use Map Series based on properties listed in the National Register of Historic Places and the Florida Master Site File.*
- *Section 680, Chapter 6 of the Polk County Land Development Code includes regulation to ensure proper protection and mitigated impacts to historical resources.*
- *The National Register of Historic Places (NRHP) is an active list of U.S. properties that have been determined through a formal process to be historically significant by the National Park Service, U.S. Department of the Interior. Projects involving federal or state revenue, licensing, or permitting, must account for effects to resources that are listed in, or eligible for listing in, the NRHP.*
- *The Florida Master Site File is an active inventory of Florida's historical cultural resources that are typically, but not always, over 50 years old, without regard to historical significance. Site File staff do not evaluate the historical significance of sites or the potential impact of development projects, however, evaluations of historical significance*

by other State Historic Preservation Office (SHPO) staff and preservation consultants are included in our records.

- *Certified Local Governments are municipal and county governments which have made historic preservation a public policy through the passage of a historic preservation ordinance. Participation in the CLG program allows local governments to partner with State and Federal Agencies and other CLGs to share preservation ideas and experiences, as well as the opportunity to compete for CLG grants.*
- *The requirements of a CLG ordinance include the following:*
 - *Purpose and authority*
 - *Criteria for designations, dedesignations and alterations of historic properties and districts*
 - *Enforcement and penalties*
 - *Timeframes for reviews and appeals*
 - *Commission membership*
 - *Survey and inventory of Historic Properties*
 - *Public Participation*
 - *Historical Commission performance*
- *The benefits of being a CLG include the following:*
 - *Technical Assistance and Training*
 - *Bureau of Historic Preservation staff are available to CLGs as a source of technical assistance and information.*
 - *State-wide, regional CLG trainings are offered every two years. These in-depth training sessions cover a variety of historic preservation topics to aid preservation board and commissions in their work at the local level.*
 - *CLGs may request on-site trainings for their board or commission. On-site trainings are designed to meet the particular educational needs of the CLG requesting training.*
 - *Webinars focusing on a variety of historic preservation topics are offered throughout the year.*
 - *Grants*
 - *Through the Division's Small Matching Grants program, CLGs in good standing are eligible to compete for pass-through subgrants funded by the Historic Preservation Fund grant the Division receives annually from the National Park Service. The federal CLG subgrants may be for survey, planning and National Register nomination projects. In addition, match funding requirements for Small Matching grants are waived for all grants awarded to CLGs in good standing, whether state or federally funded.*

○ *National Register Comment Role*

- *Federal regulations require that National Register nomination proposals be reviewed by Certified Local Government (CLG) historic preservation boards before they can be presented to the Florida National Register Review Board.*
- *When a National Register nomination is received by the Bureau of Historic Preservation, the Bureau will send a copy of the proposal to the CLG for review. The CLG's historic preservation board and the chief local official will have 60 days to comment. If both the CLG board and chief local official do not consider the property to be eligible for listing in the National Register, the proposal will not be submitted to the Florida National Register Review Board. If only one, either the preservation board or the local official, does not consider the property to be eligible, the proposal may be submitted to the Florida National Register Review Board. If comments are not received by the end of the 60-day review period, the Bureau may schedule the proposal for review by the review board.*
- *Florida CLGs are also encouraged to work with National Register reviewers at the State Historic Preservation Office by identifying properties or districts that may be eligible for the National Register within their local jurisdiction.*

○ *Local Tax Exemption Review*

- *Conduct project reviews for Florida's local option property tax exemption program (project reviews in communities that are not CLGs must be conducted by the Division of Historical Resources). The exemption is available for qualified improvements to historic properties listed in the National Register and/or designated by a CLG.*

Recommendation

Development Review Committee Recommendation: Based on the information provided and the analysis conducted within this staff report, the Development Review Committee finds that the request **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the Development Review Committee (DRC) recommends **APPROVAL of LDCT-2023-17**.

Planning Commission Recommendation: On November 1, 2023, at a notice public hearing, the Planning Commission recommended **7:0** to **APPROVE** LDCT-2023-17.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

Analysis:

The Polk County Historical Commission was first created May 4, 1937, and amended in 2011 (Exhibit 1). The purpose of the Polk County Historical Commission is to be advisory to the BoCC and staff and to collect, arrange, record, and preserve the History of Polk by procuring and preserving narratives on early pioneers and their exploits, perils, privations, and achievements. This includes material of every description relative to Native American tribes and wars and relative to its soldiers, schools, and churches. The main method used to identify the history of Polk County is through the Historical Museum in the Historical Courthouse, it’s website, and by the Historical Commission’s Marker Program (See Exhibit 5).

Comparisons to other Jurisdictions:

There are over 80 jurisdictions in Florida that are a Certified Local Government with different aspects to their CLG ordinance. The two jurisdictions in Polk County that are a CLG include Lakeland and Auburndale. In addition to the standard sections, a summary of the ordinances is below.

	Auburndale	Lakeland
Guidelines	Specific for Application processes and requirements for designation and alterations	Specific for Application processes and requirements for designation and alterations. Development Review Committee for each historic district separate from the Historical Commission. Additional standards in Redevelopment Areas within Historic Districts.
Emergency actions for non-designated properties	Guidelines for emergency actions on non-designated properties including stop work orders for the City to negotiate with the property owner as well as time to designate property as historic without clear property owner support.	No emergency guidelines
Designation	Application for nomination by the Historical Commission for designation or initiated by Historical Commission. Recommendations to City based on listed study criteria.	Initiated by Historical Commission. Recommendations to City based on listed study criteria.

	Auburndale	Lakeland
Appeals	No appeals to the City Commission decision for designations or alterations	If the DRC denies an application for Certificate of Review (alterations), the applicant may appeal to the Historic Preservation Board. The Historic Preservation Board's decisions on alterations cannot be appealed to the City Commission.
Pre-applications	Required for Certificate of Appropriateness (alterations or demolitions). Not required before initial designation, but Historical Commission required to conduct defined studies prior to designation hearing.	Not required
Ordinary maintenance or repairs	Permitted as long there is no change in design or material, or alter the outward appearance of a building.	

The proposed CLG ordinance is based on Citrus County rather than a city or a County with more historical structures. Cities are expected to have more structures and homes whereas Polk County will have more historical sites rather than structures like in Homeland Heritage Park and Polk's historical cemeteries. Currently, Historical Commission staff is working on a marker for the historical events that have occurred in the Kissimmee River Valley. The Kissimmee Island encompasses the elevated upstream area of flatwoods, hammocks, cypress sloughs, marshes and prairie bounded by the Kissimmee River and Lakes Kissimmee, Rosalie, Tiger, Weohayakapka, Arbuckle, and Istokpoga.

Pioneer homesteaders arrived along the military roads that followed the footpaths of Indigenous Peoples. As early as the 1860s, the land fostered a thriving cattle industry that established a legacy of family names recognizable today. In 1883 Hamilton Disston's dredges brought steamboats to landings along the island, including Stokes, Stewart Bend, Grape Hammock, and Godwins. In 1891 a post office established at Ute served the scattered settlements. The Consolidated Naval Stores and its subsidiary, the Kissimmee Island Cattle Company (KICCO), operated a town located on the horseshoe bend of the river from 1917-1927. The site was used by the Horseshoe Ranch Hunting and Fishing Club from 1929 until the 1940s.

Limits of the Proposed Ordinance

The scope of the amendment is to allow the Historical Commission and the Board of County Commissioners to designate structures and sites as historical for only willing property owners. The CLG ordinances establish criteria for these designations and establishes a process for alterations and designation removal. The criteria for designation and alterations are the Department of the Interior National Park Service Archaeology and Historic Preservation Standards and Guidelines. These are attached under separate cover. The highlighted portions are the most relevant sections. The proposed CLG ordinance also establishes Polk County Code Enforcement with the authority for enforcement.

Consistency with the Comprehensive Plan & Land Development Code

The Comprehensive Plan and Land Development Code have policies and regulations that relate to development's impact of the County's historical resources rather than the designation. The Comprehensive Plan requires the County's historical resources be mapped based on the National Register of Historic Places and the Florida State's Master Site file. The LDC regulations require any developer that is impacting a historical resource with their project to provide an analysis of how their project does not impact the resource. See Exhibit 6 to view these.

The request is consistent with the Comprehensive Plan and the Land Development Code because the Historical Commission will have to issue a Certificate of Appropriateness for any alterations prior to any Land Development actions or as required by any conditions of approval for a land development action. In addition, for any adjacent development within 100 feet of a historic resource will also have to provide an impact analysis at time of the Level 2 Review. Staff does anticipate bringing forward amendments to the Comprehensive Plan and Land Development Code to reference the CLG and updating the Historical Resources Map.

Comments from Other Agencies: None

Historical Commission Recommended Ordinance: Under separate attachment.

Exhibits Under Separate Attachment:

- Exhibit 1: PCHC 1937 Separate Act and as Amended in 2011
- Exhibit 2: CLG State Checklist
- Exhibit 3: CLG State Guidelines
- Exhibit 4: Department of the Interior National Park Service Archaeology and Historic Preservation Standards and Guidelines
- Exhibit 5: Historical Marker Guidelines Adopted 2019
- Exhibit 6: Comprehensive Plan policies and Land Development Code regulations