## **POLICY 7.25**

**5-J** I recommend the Board approve the proposed new Policy 7.25, entitled "Historic Designation of School Board Facilities."

[Contact: Angela Usher, 434-8800]

## Development CONSENT ITEM

- This new policy, requested by the Planning Department, is based on applicable legal authority, such as the State Requirements for Educational Facilities (SREF).
- CORC reviewed the draft, provided input, and endorsed the proposed new Policy on Nov. 13, 2003.

## 1 PROPOSED NEW POLICY 7.25 2 HISTORIC DESIGNATION OF SCHOOL BOARD FACILITIES 3 1. Purpose.-- The School Board recognizes the importance of preserving 4 historic facilities: however, fiscal and code constraints often make historic restoration and renovation impractical. The School Board therefore has 5 6 implemented the measures outlined below on preserving facilities owned by 7 the School Board. 8 Recognition of Local-Government Historic Designations.-- Pursuant to 9 Fla. Stat. § 1013.371(1)(a), the School Board is exempt from all local government ordinances and building codes. The School Board does not 10 11 recognize as binding any local government's designations of School Board facilities as historic unless, pursuant to Fla. Stat. § 1013.64 and SREF § 1.5. 12 13 the School Board itself has designated an educational facility to be historic 14 by resolution. a. Before adopting such a resolution, the Board may consider whether the 15 16 Division of Historical Resources of the Department of State or the 17 appropriate historic preservation board under Fla. Stat. Chapter 266 18 has certified that: 19 the facility is listed or determined eligible for listing in the National 20 Register of Historic Places pursuant to the National Historic 21 Preservation Act of 1966, as amended, 16 U.S.C. s. 470; ii. The facility is designated as historic within a certified local district 22 pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code: or 23 24 iii. The Division of Historical Resources or the Historic Preservation Board has otherwise found that the plant is historically significant. 25 26 Additional factors that may be considered on a case-by-case basis 27 before the School Board designates a facility as historic and a 28 candidate for restoration include: 29 whether the historic designation would unreasonably limit or inhibit 30 the School Board's current or future use(s) of the facility: or 31 planned or foreseeable alterations of the facility would be 32 prohibited or unreasonably limited; 33 ii. whether the local government would require the School Board to restore the facility beyond a level necessary for School District 34

intended purposes: and

35

| 36<br>37       |    | iii. whether the School Board has the unilateral right to remove the historic designation in the future. |
|----------------|----|--|
| 38             | 3. | Preservation of Historic Structures and Buildings The Superintendent                                     |
| 39             |    | or designee shall coordinate with the public, community groups, and loca                                 |
| 40             |    | governments to explore the feasibility of preserving existing School Board                               |
| 41             |    | facilities. It is the policy of the School Board to minimize or eliminate the                            |
| 42             |    | potential unfunded financial impacts and potential scheduling delays                                     |
| 43             |    | associated with preservation and renovation of existing facilities.                                      |
| 73             |    | associated with preservation and renovation of existing radiities.                                       |
| 44             |    | a. To be considered for preservation and renovation, a facility must be                                  |
| 45             |    | defined as having historical significance based on:  |
| 4 -            |    |  |
| 46             |    | <ol> <li>events that have made a significant contribution to history;</li> </ol>                         |
| 47             |    | ii. association with the lives of persons significant in our history;                                    |
| 7/             |    | II. association with the lives of persons significant in our history,                                    |
| 48             |    | iii. distinctive characteristics of a type, period, or method of   |
| 49             |    | architecture or construction that represents the work of a   |
| 50             |    | recognized master, or possesses high artistic values; or   |
|                |    |  |
| 51             |    | iv. location of the structure in a national-designated historic district.                                |
| 52             |    | b. Existing School Board facilities meeting at least one of the criteria set                             |
| 53             |    | forth in paragraphs (3)(a)(i)-(iv) above may be considered for   |
| 54             |    | preservation and renovation in the following circumstances:  |
| J <del>4</del> |    | preservation and renovation in the following circumstances.  |
| 55             |    | i. The School Board determines that there is a practical educationa                                      |
| 56             |    | need and use for the building;   |
|                |    | <del></del>  |
| 57             |    | ii. Funding is available from outside agencies or private parties  |
| 58             |    | including local governments, other public or private entities to fund                                    |
| 59             |    | the additional cost of renovating the building above and beyond the                                      |
| 60             |    | School District's need (i.e., the incremental cost of renovating in                                      |
| 61             |    | excess of new construction), provided that, in the event School  |
| 62             |    | District funding is used for restoration, it will be provided equitably                                  |
| 63             |    | to existing structures that meet the historic preservation criteria                                      |
| 64             |    | regardless of location; and  |
|                |    | 5  |
| 65             |    | iii. Preserving the building does not unduly delay the planned   |
| 66             |    | modernization of the facility or inhibit the site planning and design                                    |
| 67             |    | of the school to meet the students' needs.   |
| 68             | 4. | Use of Restored Buildings School Board owned buildings that are  |
| 69             |    | restored with public funds should be opened to the public when not in use by                             |
| 70             |    | the School District, subject to the terms of an Interlocal Agreement to be                               |
| 71             |    | negotiated with the appropriate agency.  |
| , 1            |    | HONORION HILL HIS APPLOPHATO AGOITO!   |

| 72  | <u>5.</u>   | Sale or Lease of Facilities to Private Entities School Board facilities |   |  |  |
|-----|---|---|---|--|--|
| 73  | may be sold or leased to private entities, consistent with Fla. Stat. § |   |   |  |  |
| 74  | 1013.28, SREF §1.4(7), and School Board Policy 7.12 under the following |   |   |  |  |
| 75  |   | con   | <u>ditions:</u>   |  |  |
| 76  |   | <u>a.</u>   | the School Board does not have any need or use for the facility and           |  |  |
| 77  |   |   | surrounding land, if the building will not be relocated currently or in the   |  |  |
| 78  |   |   | foreseeable future:   |  |  |
| 79  |   | b.  | prospective recipient candidates who apply to purchase or lease any           |  |  |
| 80  |   | <u>U.</u>   | school facility for restoration must provide a financial commitment to        |  |  |
| 81  |   |   | restore the building for public use;  |  |  |
| 82  |   | C.  | a specific time frame for restoration has been agreed upon:                   |  |  |
|     |   | <u> </u>  | <del></del>   |  |  |
| 83  |   | <u>d.</u>   | the terms and conditions of the sale or lease are acceptable to the           |  |  |
| 84  |   |   | School Board;   |  |  |
| 85  |   | <u>e.</u>   | the loss of land, if any, to the school campus does not unreasonably          |  |  |
| 86  |   |   | restrict, limit or delay the School Board's flexibility and ability to        |  |  |
| 87  |   |   | implement its current modernization plans or plan for future expansion;       |  |  |
| 88  |   |   | nor does it increase the School Board's costs:                                |  |  |
| 89  |   | f.  | the private party prospective candidate will assume all responsibility        |  |  |
| 90  |   |   | and will bear all costs in obtaining all approval(s) from the local           |  |  |
| 91  |   |   | government, including but not limited to, compliance with local               |  |  |
| 92  |   |   | subdivision requirements and platting of the property; and                    |  |  |
| 93  |   | <u>a.</u>   | if the building is leased, the lessee will be financially responsible for the |  |  |
| 94  |   |   | incremental costs associated with the security of the contiguous school       |  |  |
| 95  |   |   | campus, if the designated property cannot be properly separated from          |  |  |
| 96  |   |   | the contiguous school campus.   |  |  |
| 97  | <u>ST/</u>  | ATUT  | ORY AUTHORITY: §§ 1001.41(2); 1001.43(4), Fla. Stat.                          |  |  |
| 98  | LAV   | NS IN   | MPLEMENTED: §§ 267.021; 267.061; 1001.42(1), (3); 1013.28:                    |  |  |
| 99  |   |   | <u>1013.64, Fla. Stat</u> .   |  |  |
| 100 | RUI   | LES S   | SUPPLEMENTED: SREF §§ 1.4(7) and 1.5; F.A.C. r. 6A-2.011                      |  |  |
| 101 | Hist  | tory:   | New:// <u>04</u>  |  |  |

5-J Board Report March 1, 2004 Page 5 of 5

| Legal Signoff:                                      |   |
|---|---|
| The Legal Department has for development by the Boa | eviewed proposed Policy 7.25 and finds it legally sufficiend. |
| Attornev  | <br>Date  |