# Legislation Details (With Text)

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| **File #:** | 21-1031 | **Version:** | 1 | **Name:** | |
| **Type:** | Ordinance | | | **Status:** | Agenda Ready |
| **File created:** | 9/7/2021 | | | **In control:** | City Commission |
| **On agenda:** | 10/5/2021 | | | **Final action:** | |
| **Title:** | ORDINANCE NO. 28-21, TO INDIVIDUALLY DESIGNATE “DOCS” AT 10 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (FIRST READING) | | | | |
| **Sponsors:** | Development Services Department | | | | |
| **Indexes:** | | | | | |
| **Code sections:** | | | | | |
| **Attachments:** | 1. Agenda Cover Report, 2. Ord. No. 28-21-Doc's-10 N. Swinton Avenue, 3. HPB Staff Report-10 N. Swinton Avenue-2021-09-01, 4. Designation Report-10 N. Swinton Avenue-2021-09-01, 5. Resource Photographs and Figures-10 N. Swinton Avenue-2021-09-01, 6. Florida Master Site File Forms-10 N. Swinton Avenue-2021-09-01, 7. Newspaper Articles-10 N. Swinton Avenue-2021-09-01, 8. Simple Legal Review Approval-Doc's-10 N. Swinton Avenue | | | | |

| Date | Ver. | Action By | Action | Result |
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**TO:** **Mayor and Commissioners**
**FROM:** **Anthea Gianniotes, Development Services Director**
**THROUGH:** **Terrence R. Moore, ICMA-CM**
**DATE:** **October 5, 2021**

ORDINANCE NO. 28-21, TO INDIVIDUALLY DESIGNATE “DOCS” AT 10 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (FIRST READING)

## Recommended Action:

Review and consider Ordinance No. 28-21 on First Reading for the Individual Designation of “Doc's” at 10 North Swinton Avenue to the Local Register of Historic Places.

## Background:

The City received a privately initiated application to individually list "Doc's," located at 10 N. Swinton Avenue, to the Local Register of Historic Places.

The subject property is on the west side of North Swinton Avenue between West Atlantic Avenue and NW 1st Street and is within the Locally and Nationally Designated Old School Square Historic District. It contains Lot 16, less the south 20 feet thereof, Block 60, Town of Delray, Florida, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida. The property address is 10 N. Swinton Avenue and currently contains a building that was formerly occupied by a restaurant known as “Doc’s All American”, which was constructed in 1951 in the Masonry Vernacular style. Parking for the restaurant exists on the subject property and on the adjacent lot to the west.

The property is listed as contributing within the National Register designated Old School Square Historic District and the property is listed as non-contributing within the Local Register designated Old

School Square Historic District. The 2009 Old School Square Historic District Resource Survey recommended that the subject property be reclassified as contributing, as the Period of Significance was being expanded to include those eligible resources constructed between 1944 and 1965; however, the owner requested that the subject property not be reclassified. Upon adoption of Ordinance No. 10-10 on June 1, 2010, the Period of Significance for the Old School Square Historic District was expanded to 1965, and 10 of the properties that were recommended for reclassification were not reclassified to contributing, including the subject property, because the property owners allowed to “opt-out” of this process.

It is noted that the 2020 Historic Resource Survey of the Old School Square Historic District recommends the property be reclassified as a contributing structure to the Local Register of Historic Places. While the 2020 Historic Resource Resurvey project has not yet been finalized, it is expected to be scheduled for review by the Historic Preservation Board and City Commission at the end of this year.

The one-story building on the property has been utilized as a restaurant since its construction in 1951. A bathroom addition was added in the 1980s, as well as a large awning surrounding the front and sides of the structure. The existing neon sign was restored in the 1990s. Four parking spaces are located on the north side of the property, adjacent to the east/west alley. In 1993, COA 8-217 was approved by the Historic Preservation Board for improvements to the building as well as the addition of new code compliant landscaping, and a new parking lot to the west of the restaurant building. The historical integrity of the structure and property have been maintained.

Pursuant to Section 4.5.1(B)(1), Criteria for Designation of Historic Sites or Districts, to qualify as a historic structure, individual properties, structures, sites, or buildings, must have significant character, interest, or value as part of the historical, cultural, aesthetic, and architectural heritage of the city, state, or nation. To qualify as a historic site, historic district, or historic structure, the property or properties must fulfill one or more of the criteria set forth in division (2) or (3) below.

Section 4.5.1(B)(2) A building structure, site, interior, or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:

(a) Is associated in a significant way with the life or activities of a major person important in city, state, or national history (for example, the homestead of a local founding family);
(b) Is the site of a historic event with significant effect upon the city, state, or nation;
(c) Is associated in a significant way with a major historic event, whether cultural, economic, social, military, or political;
(d) Exemplifies the historical, political, cultural, economic, or social trends of the community in history; or,
(e) Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the city.

The applicant's Designation Report and the Historic Preservation Board Staff Report are attached and provide a full analysis of the criteria.

On September 1, 2021, the Historic Preservation Board reviewed the request for Individual Designation of the property to the Local Register of Historic Places and voted 5 to 1 to recommend approval to the City Commission.

The Downtown Development Authority approved the request for Designation at their meeting of September 13, 2021.

**City Attorney Review:**
Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**
N/A

**Timing of Request:**
Second Reading is tentatively scheduled for November 02, 2021.