

# City of Orlando

## Historic Preservation Board

### Reference Guide



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*(This Reference Guide contains excerpts from the Historic Preservation Board portion of the City Code.) This Reference Guide should not be relied upon in meeting the necessary requirements of the City of Orlando Code from all City Bureaus.*

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# Historic Preservation Board

## Reference Guide

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This document was prepared to assist applicants (owners or agents) in understanding the Historic Preservation Board (HPB) process. Items covered include the most frequent concerns and questions. Please call the Historic Preservation Office at (407) 246-3350 if you have any additional questions or need further information.

### **OVERVIEW**

Historic zoning is a zoning overlay which is added to the base zoning of a specific tract of land (for example T-HP denotes Traditional City-Historic Preservation). All proposed exterior site and building changes (other than routine maintenance) to a historically zoned tract require advance review and approval by the City Historic Preservation Board. It is the applicant's responsibility to ensure that they are in compliance with all City zoning code requirements and, if necessary, may require additional review and approval by other appropriate City bureaus/boards.

### **THE PROCESS**

The applicant shall be familiar with the General Guidelines, "The Secretary of Interior's Standards for Rehabilitation", Orlando City Code, Chapter 58, Section 58.401, Parts 2 and 7 of Chapter 62, as well as the ordinances which created the relevant district or landmark prior to initiating drawings. The City's historic review guidelines are available online at <http://cityoforlando.net>. Said standards, values, and characteristics are the criteria used by City staff and the HPB to determine compatibility to the particular district or Historic Landmark. It is recommended you contact the HPB staff when a project is first contemplated.

Examples of requests:

- Certificate of Appropriateness for re-roofs, signs, fences, doors, site improvements, street furniture, public improvements, and other such items;
- Certificate of Appropriateness for rehabilitation of existing structures;
- Certificate of Appropriateness for new construction, including expansions of existing structures;
- Certificate of Appropriateness for relocation of structures;
- Certificate of Appropriateness for demolition of structures; and
- Ad Valorem Property Tax Exemption Applications – *please note that tax exemption applications cannot be accepted once construction has been initiated;*

## ***OBTAINING AN HPB APPLICATION***

There are two forms of applications: (1) Major Review; and (2) Minor Review. An application for submission to the HPB can be obtained:

- online at <http://CityofOrlando.net>;
- by calling (407) 246-3350 or 2269;
- by written request or email ([Richard.Forbes@CityofOrlando.net](mailto:Richard.Forbes@CityofOrlando.net) or [Diane.Rivera@CityofOrlando.net](mailto:Diane.Rivera@CityofOrlando.net)); and
- in person at the Historic Preservation Office, City Hall, 400 South Orange Avenue, 6<sup>th</sup> Floor, Planning Department, Orlando, Florida.

When requesting an application, state the nature of the request. This will help us determine which application would be necessary for your project.

All exhibits, documents, and photographs submitted become part of the public record and cannot be returned to the applicant/owner. The applicant should maintain a copy of all submissions.

The Historic Preservation Office can provide assistance and guidance on the HP Board's review process, and are available to meet with property owners. If you need assistance, please contact the Historic Preservation Office at (407) 246-3350.

## ***PRELIMINARY APPOINTMENT***

Preliminary appointments with staff are encouraged to discuss the specific requirements for your project. Each project is reviewed on a case by case basis using the Design Guidelines, The Secretary of Interior's Standards, and Orlando City Code as standards for approval.

## ***SUBMISSIONS FOR ADMINISTRATIVE REVIEW (Minor Review)***

### **Minor Review Criteria and Procedure**

The Historic Preservation Board Minor Review procedure is an administrative review performed by the Planning Official or designee and a qualified member of the Historic Preservation Board (Minor Review Sub-Committee). The City Historic Preservation Officer can administratively approve "minor projects" - including minor building alterations, rehabilitation and site construction work—if the City historic guidelines are met. A minor review shall occur for construction and alterations of an Historic Landmark or structure in an HP Overlay District (historically zoned) which have a minor impact on the significant historical, architectural, or cultural materials of the structure and/or the district. The minor review procedure shall apply to the following:

1. All fences and gates;
2. Awnings;
3. Signs painted or attached to window surfaces, signs including wall graphics painted on façade(s), and name plaques one square foot or smaller;
4. Replacements of same or like materials for gates, fences, driveways, walkways, steps, siding, roofs, doors, or windows;

5. Mechanical systems including heat and cooling equipment and irrigation systems;
6. Small accessory structures under 100 sq. ft. in the rear yard as defined in Chapter 66, "Definitions" of this Code and not visible from the right-of-way;
7. All paint colors where required (*see local Ordinance*);
8. All paving materials;
9. Roof color where required (*see local Ordinance*);
10. Foundation skirting;
11. All exterior lighting;
12. Signs for non-contributing structures in commercially zoned areas;
13. Garage doors not visible from the right-of-way;
14. Any other request determined by the Planning Official or his designee and the Minor Review Committee to have a minor impact or no potential detriment on the structure or historic district.

Submission requirements for staff approval:

- Completed and signed application;
- Payment of applicable fee (if request is retroactive); and
- A complete set of appropriate drawings/exhibits or snapshots (information will not be returned – becomes a part of the public record).

**- INCOMPLETE APPLICATIONS WILL BE DENIED -**

The completed Minor Review application with all submittal materials may take up to ten (10) days to process—sooner if a site visit is not required and all applicable information is provided. Submit applications to the City Historic Preservation Office, City Hall, 400 S. Orange Avenue, 6th Floor, Planning Department, Orlando, Florida.

If the Minor Review Committee denies the Certificate of Appropriateness request, the applicant may apply for a Major Review before the HPB. Please be advised that the same review procedures utilized by City staff are the same review procedures utilized by the HPB.

All other projects require City Historic Preservation Board Major Review.

***SUBMISSIONS FOR PUBLIC HEARING/HPB APPROVAL (Major Review)***

The public hearing/HPB meeting is where all major projects within Orlando's historic districts are presented. The purpose of the public hearing is to provide the property owner with an opportunity to have input with regard to discussion about property improvements, present specific facts concerning the application, and to obtain input from affected property owners.

The HPB will review applications for a Certificate of Appropriateness and Ad Valorem Tax Exemption Applications. All applications presented at the public hearing must be properly noticed to the public.

## Preliminary Review

If an applicant desires a Preliminary Review of a Major Review project by the HP Officer, please contact the Historic Preservation Office at (407) 246-3350. This will enable the applicant to discuss with staff the specific requirements for the project and also gives the applicant the benefit of determining pre-submission completeness. Each project is reviewed on a case by case basis, using the General Guidelines, The Secretary of Interior's Standards, historic district ordinances, and Orlando City Code as standards for approval.

## Design Review Committee (DRC)

The HPB procedures also provide for a *Design Review Committee (DRC)* meeting, at the applicant's request. The DRC is a sub-committee comprising of three members of the HPB and are held on an as needed basis. These meetings are held in an effort to assist the applicant in obtaining informal design advice and to determine completeness of the application submitted, while ensuring compatibility to the overall district. Thus, any intricacies can be resolved prior to the project being presented to the HPB. The DRC's opinion is not official or binding upon the HPB at any time.

Depending upon the nature of the project, the applicant shall come prepared to the DRC meeting with the following information:

- Provide site plan including identification of existing and proposed construction, height of structure, setback dimensions, mechanical equipment, sidewalks, curbs, street, structures on adjacent sites;
- Provide a copy of an existing survey;
- Material selections;
- All elevations to scale and floor plans applicable to the request; and
- Complete demolition plan, if applicable.

A copy of all of the above must be submitted to City staff prior to the presentation.

If an applicant desires a DRC meeting, please contact the Historic Preservation Office at (407) 246-3350. This is a public meeting and requires coordination and posting by the City Clerk's Office several days in advance.

Following the DRC, when your plans have been finalized, you may submit a Major Review Application with complete exhibits, prior to the application deadline date, for the next scheduled board meeting. Applications which are not submitted in time will be deferred to the next public hearing/board meeting.

## Major Review

The Historic Preservation Board *Major Review* procedure is a procedure which occurs for alterations, construction, restorations, relocations, demolitions or other significant changes to the appearance of an Historic Landmark or structure in an HP Overlay District (historically zoned) which have a major impact on the significant historical, architectural, or cultural materials of the structure and/or the district.

A *Preliminary Review* is generally necessary for major rehabilitations, expansion of existing structures, and new construction. Preliminary review occurs when the applicant has identified the project concept and has completed a schematic design. It is recommended that the applicant arrange a

preliminary meeting with the Historic Preservation Officer prior to submission of a Major Review Application.

*Final Review* is required for all Major Review Application submissions to the HPB. Final review for a Certificate of Appropriateness occurs when the applicant has finalized his project and is ready to present it to the HPB. During final review, detailed design issues and materials are reviewed.

The Major Review Application must be completed and submitted with the exhibits as referenced in the *Submittal Requirements Checklist* section of the application. Failure to complete the application, comply with the instructions, and submit the necessary documentation will result in deferral of the case. The application is due by 3:00 *p.m.* on the *application deadline* date as noted in the application's annual meeting schedule.

After submission of an application, the Historic Preservation Officer prepares a written recommendation for the board meeting which addresses whether the proposed changes are compatible with the criteria listed in Section 58.401 and Parts 2 and 7 of Chapter 62 of City Code, as well as in the ordinances which created the relevant district or landmark.

The applicant and/or owner of the property should be present at the Historic Preservation Board meeting. The applicant/owner may need to address inquiries from the board members and/or the general public.

### ***WHAT TO EXPECT AT THE HPB MEETING/PUBLIC HEARING***

The Board is pleased to hear all non-repetitive comments. However, since a general time limit of five (5) minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson. If you wish to appear before the Board, you will need to complete an Appearance Request/Lobbyist Registration Form and give it to the Recording Secretary at the start of the meeting. When you are recognized by the Chairman, you will need to state your name and address, and speak directly into the microphone.

- First, the Consent Agenda will be read on the record. Consent Agenda items are matters which are set to be approved without discussion, unless anyone wishes to pull a case to the Regular Agenda for discussion. The Consent Agenda items are all approved in one motion;
- The Regular Agenda items will be read on the record and discussed individually.
- City staff will provide a presentation of the proposed project;
- Thereafter, the applicant/owner and any member(s) of the public will be recognized by the Chairman to address the board, if they so desire.

### ***TIME FRAME FOR PROCESSING HPB CASES (Major Review)***

Each historic case is reviewed by the HPB at a regularly scheduled meeting approximately 4 weeks after receipt of an application. The HPB meets once a month, typically the 1<sup>st</sup> Wednesday of each month. The case is then heard by City Council approximately 2 to 4 weeks later. A Certificate of Appropriateness will be issued after City Council has given final approval. Permits can be obtained after City Council's approval and you have met all the conditions, if any, specified by staff or the HPB. No Certificates of Appropriateness can be issued if your case has been appealed.

## ***EXPIRATION OF CERTIFICATES OF APPROPRIATENESS***

A Certificate of Appropriateness shall be valid for a period of one year after its date of approval. Otherwise, the applicant must reapply for a Certificate of Appropriateness.

### ***HISTORIC PRESERVATION CODE EXCERPTS FOR THE CITY OF ORLANDO***

## ***CHAPTER 58. PART 2. DISTRICT REGULATIONS 2U. HP HISTORIC PRESERVATION OVERLAY DISTRICT***

### ***Sec. 58.400. Relationship to the Growth Management Plan.***

The HP Overlay District implements GMP Historic Preservation Goal 1, to preserve and protect historic resources of local historic or cultural interest; Historic Preservation Objective 1.2 and Policy 1.2.1, to include historic district demolition standards in the LDC; and Historic Preservation Objectives 1.3 and 1.4, to include standards and guidelines for Certificates of Appropriateness in the LDC. (Ord. of 9-16-1991, Doc. #25094)

### ***Sec. 58.401. Purpose of the District.***

The purpose of the HP Overlay district is to promote the educational, cultural, and economic welfare of the City by preserving and protecting historic structures, sites, monuments, streets, areas and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, state or nation. Furthermore, it is the purpose of this district to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new construction and development that will be harmonious with existing historic structures and areas.

It is further intended that the HP Overlay district shall operate in conjunction with any other zoning district in which land may be classified, and that such lands may be used as permitted by such other districts except as may be qualified by the requirements of the HP Overlay district as set forth below. (Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361)

### ***Sec. 58.402. Establishment of Historic Districts.***

Citizen Initiative. Before the initiation of a Zoning Map amendment to establish an HP Overlay District, a petition shall be presented to the Historic Preservation Board containing the signatures of not less than fifteen percent (15%) of the property owners within the proposed district, requesting that a public hearing be held to consider the matter.

Comprehensive Survey. Before the establishment of an historic district, the Historic Preservation Officer or his designee shall conduct a comprehensive survey to record and document the historic and architectural significance of the exteriors of buildings, structures, features, sites, or objects in an area. A summary of the survey research and findings shall be compiled. A statement of architectural and of the survey research and findings shall be compiled. A statement of architectural and historic significance shall be prepared. A final survey report shall be submitted to the Historic Preservation Board.

Historic District Criteria. The Historic Preservation Board shall use the following criteria in making its recommendations for historic district designation:

- (a) The concentration of buildings at least 50 years old;
- (b) Exemplification of the cultural, economic, social, educational, or historic heritage of the City of Orlando;
- (c) Embodiment of distinguishing characteristics of architectural styles, elements of architectural design, detail, materials, or craftsmanship;
- (d) Recognition as an area eligible for preservation according to local, state, or national historical/architectural surveys;
- (e) Embodiment of vernacular building forms and styles representative of Central Florida architecture;
- (f) Development of an original settlement or planned development or neighborhood.

The proposed historic district shall at a minimum meet criteria (a) through (d).

Preparation of Report. The Historic Preservation Officer shall make a District Report on the area proposed as an historic district. The District Report shall recommend either approval or denial of the proposed HP Overlay District, and if approval is recommended, shall state the reasons for designating the area as an HP Overlay District. The District Report shall contain a summary of the comprehensive survey; an historic and architectural statement of significance; the criteria used to determine historic district eligibility; a statement of consistency with the Growth Management Plan; and the recommendations concerning the area to be included in the proposed historic district.

Historic Preservation Board Review. The Historic Preservation Board shall hold a public hearing thereon after due notice, which shall include a written notice to the last known address of the owners of all properties to be included in such district. The Board shall review the proposed historic district area to:

- (a) determine if the area qualifies as an historic district; and
- (b) recommend boundaries of the district if the area so qualifies.

After said public hearing, the Historic Preservation Officer shall prepare a report to the Municipal Planning Board. The report shall state the reasons for designating the area as an HP Overlay District and state whether the proposed District is consistent with the Growth Management Plan and the Area Plans.

Municipal Planning Board Review. The Municipal Planning Board shall hold a public hearing, with due public notice to the owners of all properties to be included in such district, to review the area to be included in the proposed HP Overlay District for consistency with the Growth Management Plan. The Municipal Planning Board shall not review proposed historic district boundaries. Based on the recommendations of the Historic Preservation Board, the recommendations of the Historic Preservation Officer, and the review of the Municipal Planning Board for consistency with the Growth Management Plan, the Municipal Planning Board shall prepare recommendations for the consideration of City Council.

Transmittal of Report. Based on the District Report, the requirements of this Chapter, and the recommendations of the Historic Preservation Board and Historic Preservation staff, the Historic Preservation Officer shall submit a final report with recommendations for the consideration of the City Council within thirty (30) days following the action of the Municipal Planning Board. Copies of the adopted report shall be transmitted to the Division of Historical Resources, Bureau of Historic Preservation, Department of State of the State of Florida.

City Council Review and Approval. City Council shall apply the Historic District criteria set out in this Section in designating a historic district. Historic districts, when approved by City Council, shall be established by ordinance and shown on the Official Zoning Map as overlay districts. (Ord. of 9-16-1991, Doc. #25094; Ord. of 7-26-1993, Doc. #26769; Ord. of 5-20-1996, Doc. #29361)

**Secs. 58.403--58.409. Reserved.**

**CHAPTER 62. PART 1. INTRODUCTION**

**Sec. 62.100. Title.**

Chapter 62 shall be entitled "Historic Preservation and Architectural Design" and is part of the City of Orlando's unified "Land Development Code."  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Sec. 62.101. Relationship to the Growth Management Plan.**

The regulations and requirements herein set forth have been established in accordance with the Growth Management Plan. Specifically, this Chapter provides regulations to implement the following Goals, Objectives and Policies contained in the City's Growth Management Plan: Historic Preservation Goal #1; Historic Preservation Objectives 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7 and 1.8; and Policies 1.1.1, 1.2.1, 1.4.1, 1.4.2, 1.5.1, 1.5.2, 1.6.1, 1.7.1 and 1.8.1; Urban Design Goals, Objectives and Policies.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Sec. 62.102. Purpose.**

The provisions of this Chapter are intended to be the minimum and in some cases the maximum requirements to promote public health, safety, comfort, appearance and general welfare.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Secs. 62.103--62.199. Reserved.**

**CHAPTER 62. PART 2. HISTORIC PRESERVATION**

**Sec. 62.200. Certificate of Appropriateness Required.**

After the designation of an historic district, no exterior portion of any building or other structure (other than buildings or structures owned by churches or other religious institutions and exempt from property taxes), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, or moved within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Board, as provided in Chapter 65, Part 4B, or approved by the City Council upon appeal from a decision of the Board. After the designation of an Historic Preservation Overlay District, no building or other structure shall be demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Board, as provided in Chapter 65, Part 4B, or approved by the City Council upon appeal from a decision of the Board.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

## **Sec. 62.201. Standards for Historic Landmarks and Structures in Historic Preservation Overlay Districts.**

In considering an application for a Certificate of Appropriateness pursuant to this Chapter, the Historic Preservation Board shall adhere to and seek compatibility of structures in the district in terms of size, texture, scale and site plan, and in so doing, the following U.S. Secretary of the Interior's "*Standards for Rehabilitation*" shall be considered by the Board in passing upon such applications:

### General Standards:

- a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that could damage the historic building materials shall be discouraged.
- h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
- i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or immediate environment.
- j. Contemporary design for new construction shall not be discouraged when such new construction is compatible with the size, scale, color, material, and character of the property, neighborhood or immediate environment.

- k. Wherever possible, new additions or alterations to structures shall be done 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.

Additional Guidelines. The Historic Preservation Board may propose additional guidelines and criteria as it deems appropriate, subject to the approval of City Council.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Secs. 62.202--62.299. Reserved.**

***CHAPTER 62. PART 7. DESIGN AND DEMOLITION STANDARDS FOR HISTORIC LANDMARKS AND PROPERTIES IN HP OVERLAY DISTRICTS***

**Sec. 62.700. Purpose.**

The purpose of these design standards is to ensure that all maintenance, alterations, additions, relocation or demolition of structures in an HP Overlay district or an historic landmark is in accordance with the character of the historic landmark or the HP Overlay district. These design standards also ensure that new construction on the property of an historic landmark or in an HP Overlay district is in accordance with the character of the historic landmark or HP Overlay district.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Sec. 62.701. Relationship to the Growth Management Plan.**

The following design and demolition standards implement the GMP Historic Preservation Goal 1, to identify, preserve and protect historic resources of local historic or cultural interest. The standards also implement Historic Preservation Objective 1.3, to develop architectural design and demolition standards for historic landmarks and HP Overlay districts.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Sec. 62.702. Non-Contributing Structures.**

Alterations and additions to non-contributing structures in HP Overlay districts shall be reviewed for their appropriateness in respect to the design, massing and scale of the existing non-contributing structure. The design of a non-contributing structure may be modernized, but shall not be redesigned to create a false historical appearance.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

**Sec. 62.703. Standards for Existing Structures.**

The standards in this Part applying to HP Overlay districts shall apply to structures or Parts thereof unless otherwise modified by the ordinance establishing the HP Overlay district.

In cases of uncertainty, the Historic Preservation Officer shall determine the appropriate material, scale, mass, architectural style. Appeal from the Historic Preservation Officer determination shall be pursuant to Chapter 65, Part 4B, Section 65.471, Minor Review.  
(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

## Sec. 62.704. Facades.

- a. **Wood.** Existing wood siding, trim and details in good condition or repairable shall be retained. *Deteriorated* wood shall be replaced with wood to match the existing wood in size, shape and texture. No aluminum, vinyl or other man-made type siding materials shall be used to replace or cover wood siding, trim or details. Sandblasting wood siding, trim or detailing or the use of any abrasive, corrosive or damaging technique, is prohibited.
- b. **Masonry.** Existing masonry in good condition or repairable shall be retained. Repair or replacement shall be made with materials duplicating the existing masonry in color, composition and texture. No aluminum, vinyl or other man-made type siding materials shall be used to replace or cover masonry, trim or details. Sandblasting masonry, trim or detailing or the use of any abrasive, corrosive or damaging technique such as blasting with pulverized materials, glass beads or other solids, with or without water, is prohibited.

Mortar joints shall be repointed only where there are obvious signs of deterioration such as disintegrating mortar, cracks in the mortar joints, loose bricks, damp walls or damaged plaster work. Repointing shall duplicate the existing mortar joints in size, composition, texture, color and structural strength.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

1. **Roofs.** The original roof shape of principal and accessory buildings shall be retained. Original roofing material that is in good condition or repairable shall be retained. *Deteriorated* roofing material shall be replaced with new material that is similar to the original roof in composition, size, shape, color and texture, except in the case of asbestos shingles. Asbestos shingles may be replaced with new materials, such as fiberglass shingles, cement fiber tiles or shingles, or clay tiles, that are similar to the original roofing in size, shape, color and texture. Architectural features that give the roof its character, such as dormers, cornices, towers, decorative brackets, eaves, chimneys, parapets and exposed rafter ends shall be retained or replicated. New features, such as skylights, shall be flush with the roof and shall not be installed on roofs visible from a public right-of-way.
2. **Windows.** Windows, frames, glass, muntins, mullions, sills, lintels and pediments in good condition or repairable and in character with the style and period of the building shall be retained. If windows or window details are determined to be unrepairable, they shall be replaced, on principal facades, with new windows matching the original in material, size and muntin and mullion proportion and configuration.

If aluminum windows are used, they shall match the size and have similar muntin and mullion proportions and configuration of the original windows. New aluminum windows shall be anodized or enameled.

When replacing existing windows that are inappropriate to the style and period of the building, they shall be replaced with new windows that are appropriate to the style and period of the building. Windows shall be relocated, enlarged, reduced or introduced into a facade only when the alteration is appropriate to the style of the building.

Tinted glass and stained glass shall not be installed on the principal facades of any residential building. For buildings originally constructed for commercial use, clear glass (88% light transmission) shall be installed on the first floor. Tinted glass allowing a minimum of 50% light transmission shall be considered only for use on second floor windows and above and shall be considered on a case-by-case basis. The use of reflective glass is prohibited on all buildings.

3. **Shutters.** Shutters in good condition or repairable and in character with the style and period of the building shall be retained. Missing shutters shall be replaced with wood shutters to match the

existing. All replacement shutters shall be similar to the original in size, configuration and style, shall fit the window openings and shall not overlap on the surface of the wall.

4. **Awnings.** Awning shapes, material, proportions, design, color, lettering and hardware shall be in character with the style of the building. Awnings shall reflect the architectural forms of the door and window openings of the buildings to which they are attached and shall not damage or obscure any architectural details. The minimum height of awnings on non-residential buildings shall be 8'0" from the lowest point to the sidewalk and they shall not extend more than 6'0" from the face of the structure. The highest point of a first floor awning on a non-residential building shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window sills.
5. **Marquees.** Marquees shall be retained where they are an historic element of the building. The design, materials, color, lettering and hardware of a marquee shall reflect the style and period of the building. The highest point of a marquee or its superstructure shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window or transom. Marquees on non-residential buildings shall span the entire facade or entrance. One marquee shall be permitted on a facade. The minimum height of a marquee on a non-residential building shall be 8'0" from the lowest point to the sidewalk.
6. **Doors.** Doors and door details, frames, lintels, fan lights, sidelights, pediments and transoms, in good condition or repairable that are in character with the style and period of the building shall be retained. If doors or door details are found to be unrepairable, they shall be replaced, on principal facades, with new doors and door details in character with the structure in material, size and configuration. Only when the change is appropriate to the style and period of the building, shall doors be relocated, enlarged, reduced or introduced. Doors with modern designs, flush or sliding glass doors, or any type of door which is inappropriate to the style or period of the structure shall be prohibited.

Garage doors that are in good condition or repairable and are in character with the style and period of the building shall be retained. Garage doors shall be repaired so they match the existing materials, size and configuration. New garage doors may be constructed of wood, metal or fiberglass. A new garage door shall be the same size as the one being replaced unless an original door is narrower than 8'; then a new door may span the original width of the garage door opening.

7. **Porches.** Porches and porch features that are in good condition or repairable and are in character with the style and period of the building shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.

Replacement of existing porches with a design or materials not in character with the style and period of the building shall be prohibited. New porch elements, such as balusters and columns, shall be compatible with the style and period of the building. Porches on principal facades shall not be enclosed with solid materials such as glass, wood, aluminum, vinyl, fiberglass or masonry. Porches on non-principal facades may be enclosed; the new materials shall be installed so as not to conceal or damage historic architectural elements. New screening on a porch shall be transparent so the details of the front wall are visible. The framing members for screening shall have a design and scale that is in character with the style and period of the building.

8. **Signs.** Existing signs that are in good condition or repairable, in character with the style and period of the building and in conformance with the Code shall be retained, unless a new business requires the removal of the sign. New signs shall be compatible with the style and period of the building. In the Downtown Development District, the requirements of the Facade Design Guidelines shall also be met.
9. **Site Improvements.** Chain link fences visible from a public right-of-way or park shall be prohibited. Replacement of drives, walks, patios, decks, stairs, fences and walls with no change in

the size configuration and using the same materials, shall not be reviewed by the Historic Preservation Board.

10. **Other.** Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an historic landmark or the exterior of a structure in an HP Overlay district shall be reviewed by the Historic Preservation Board using the most closely analogous standards of this Chapter.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

### **Sec. 62.705. Standards for Additions to Existing Structures.**

a. **Facades.**

1. **Wood.** Any and all additions to wood sided structures shall be of wood and match the existing siding in size, shape, color, orientation and texture.
2. **Masonry.** Any and all additions to stuccoed structures shall be of stucco to match the existing in color, composition and texture.

Any and all additions to brick structures shall be clad with brick, or wood, vinyl or aluminum siding. If an addition is clad with brick, the color, pattern and mortar shall match the existing. If the addition is clad with wood, aluminum or vinyl siding, the siding shall be horizontally oriented and 4"--10" wide and shall be compatible with the existing structure.

Any and all additions to concrete block structures shall be of matching concrete block and shall have mortar joints that match the existing.

3. **Aluminum or Vinyl Siding or Other Simulated Wall Cladding.** Any and all additions to structures sided with aluminum or vinyl siding or other simulated wall cladding shall be clad with materials to match the existing in size, shape, color, orientation and texture.
  4. **Facades with a Combination of Materials.** Any and all additions to structures with a combination of cladding materials shall be sided using one or more of the existing cladding materials in a manner that is in character with the style and period of the structure.
- b. **Roofs.** Roofs on additions shall have similar shape, materials and pitch as the existing structure. A flat or low pitched roof that is not visible from the ground may have a different material than the rest of the existing roof. Shed roof additions shall be allowed on the rear of any building, when said additions are not visible from a public right-of-way or park.
- c. **Windows.** Windows on additions shall have the same orientation and be of a similar size to the *original* windows of *the* principal facade except if the addition is on the same plane as the existing principal facade, then the windows of the addition shall match the original windows in orientation, size, materials and configuration.
- d. **Porches.** *Porch* additions shall have a roof type that is either similar to the existing roof or is in character with the *style* and period of the building.
- e. **Scale, Massing and Height.** Any and all additions to existing structures shall have similar scale, massing and height to the existing structure.
- f. **Other.** Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on an historic landmark or the exterior of a structure in an HP

Overlay district shall be reviewed by the Historic Preservation Board using the most closely analogous standards of this Chapter.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

### **Sec. 62.706. Standards for New Construction.**

- a. **Height.** The maximum height of new buildings shall be the same as permitted in the zoning district. In areas zoned for commercial use, the height of storefront openings in new buildings shall be similar to the storefront openings of the contributing buildings in the HP Overlay district. In areas zoned for commercial use, there shall be a visual differentiation, such as a change in material or texture, between the first and second story on a two story building or between the two lower floors and the rest of the building on a building taller than two stories. This differentiation shall be at a height similar to the cornice lines or stringcourses of contributing structures in the HP Overlay district.
- b. **Scale and Massing.** In areas zoned for residential use, the scale and massing of new structures and their architectural elements shall be similar to the contributing structures in the HP Overlay district. In areas zoned for commercial use, the scale and massing of the lower floors of new structures and their architectural elements shall be similar to contributing structures in the HP Overlay district. Any new structure which exceeds 50 linear feet along any street frontage shall minimize the facade's mass by adding projections and recesses to make the structure similar in scale to contributing structures in the HP Overlay district.
- c. **Fenestration Patterns.** Although they may appear in groupings, individual windows shall have a vertical emphasis similar to the windows found on contributing buildings in the HP Overlay district. In commercial areas, storefront windows shall be similar in placement, size and configuration to the storefront windows found on contributing buildings in the HP Overlay district.
- d. **Setback.** Minimum setbacks for new structures shall conform to Chapter 58 of this Code. Maximum setbacks shall *be* no greater than the contributing structures on the same block.
- e. **Orientation.** At least one public entrance of each new building shall be oriented towards the front lot line or street side lot line. The front door to a new building shall be articulated on the principal facade with *covered* porches, porticos, stoops, pediments, door surrounds or other architectural forms. The front and street side exterior walls of residential structures shall each contain a minimum of 15% of transparent or translucent materials on each story below the roof line. The first floor of front and street side exterior walls of commercial structures shall each contain a minimum of 30% of transparent or translucent materials. The floors above the first level of a commercial structure shall each contain a minimum of 15% of transparent or translucent materials.
- f. **Materials.** The materials and textures on new structures shall be similar to the materials and textures of *contributing* structures in the HP Overlay district.
- g. **Roof Shapes.** Roof shapes, pitches and materials on new buildings shall be similar to the roof shapes, pitches and materials of contributing buildings in the HP Overlay district.
- h. **Rhythm of Solids and Voids.** New structures shall be designed and positioned on their lots in such a way so that they reflect the regular pattern of structures and open space along the block face.
- i. **Style.** New construction may be influenced by, but not duplicate, historic styles. If an historic style influences new construction, that style must already exist or have existed in Orlando. Contemporary design shall be permitted provided that it meets the requirements of this section.

- j. **Awnings.** Awning shapes, proportions, design, color, lettering and hardware shall be in character with the style of the building. Awnings shall reflect the architectural forms of the door and window openings of the building to which they are attached. The minimum height of awnings on non-residential buildings shall be 8'0" from the lowest point to the sidewalk and shall not extend more than 6'0" from the face of the structure. The highest point of a first floor awning on a non-residential building shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window or transom.
- k. **Marquees.** The design, materials, color, lettering and hardware of a marquee shall reflect the style of the building. The highest point of a marquee or its superstructure shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window or transom. Marquees on non-residential buildings shall span the entire facade or entrance. One marquee shall be permitted on a facade. Minimum height of a marquee on a non-residential building shall be 8'0" from the lowest point to the sidewalk.
- l. **Signs.** Signs shall be in character with the new structure. In the Downtown Development District, the requirements of the Facade Design Guidelines shall be met in the design of signs. In addition, the Sign Regulations of Chapter 64 of this Code shall be adhered to for all properties.
- m. **Site Improvements.** Chain link fences visible from a public right-of-way or park shall be prohibited.
- n. **Tandem Single Family Developments.** Tandem Single Family Developments shall be prohibited.
- o. **Other.** Any other request requiring a building permit determined by the Planning Official or his designee to have an impact on a historic landmark or the exterior of a structure in an HP Overlay district shall *be* reviewed by the Historic Preservation Board using the most closely analogous standards of this Chapter.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392; Ord. of 6-4-2001, § 15, Doc. #33841)

### **Sec. 62.707. Criteria for Demolition.**

In reviewing an application for the demolition of an historic landmark or a structure in an HP Overlay district, the Historic Preservation Board shall consider the following criteria:

- (a) The historic, architectural or environmental significance of the structure.
- (b) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district.
- (c) The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an historic landmark, to the City.
- (d) The number of remaining examples of similar significance in the HP Overlay district or, in the case of an historic landmark, in the City.
- (e) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- (f) The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the HP Overlay district.

- (g) The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
- (h) Any measures that have been taken to prevent the structure from deteriorating, such as performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate.
- (i) The determination by the Building Official that the structure is an imminent hazard to public safety and that repairs would be impractical.
- (j) The economic hardship imposed on the owner if the application for Certificate of Appropriateness for demolition is denied.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

### **Sec. 62.708. Economic Hardship.**

Economic hardship, as discussed in Section 62.707(j) above, shall be determined in accordance with this Section: When a claim of extreme economic hardship is presented, the applicant shall prove he cannot realize a reasonable and beneficial use of or economic return from the property. If the property is residential and non-income producing or is an accessory structure, the owner shall not be required to prove economic hardship. In the case of a partial demolition of a structure where the principal facades remain intact, the owner shall not be required to prove economic hardship. The Historic Preservation Board shall make findings based on each of the following factors provided by the applicant:

- (a) Whether the applicant knew or should have known of the historic landmark designation or HP Overlay district designation at the time of acquisition and whether the structure or HP Overlay district was designated subsequent to acquisition.
- (b) With respect to economic return, the following shall be considered:
  1. Real estate taxes for the previous four (4) years and the assessed value of the land and improvements thereon according to the two (2) most recent assessed valuations.
  2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as a gift or inheritance, and the party from whom purchased or otherwise acquired.
  3. The fair market value of the property immediately prior to its designation as an historic landmark or designation of the HP Overlay district; and the fair market value of the property at the time the application for Certificate of Appropriateness is filed.
  4. Remaining balance on any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two (2) years.
  5. All appraisals obtained within the previous two (2) years by the Property Owner/Applicant in connection with the purchase, financing or ownership of the property.
  6. Any state or federal income tax returns on or relating to the property for the past two (2) years.

7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
  8. Annual gross income from the property for the previous two (2) years.
  9. Itemized operating and maintenance expenses for the previous two (2) years, (including proof that adequate and competent management procedures were followed).
  10. Depreciation deduction and annual cash flow, if any, for the previous two (2) years before and after debt service, if any during the same period.
  11. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.
  12. Any other information considered necessary by the Historic Preservation Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (c) The marketability or salability of the property, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
1. Any real estate broker or firm engaged to sell or lease the property.
  2. Reasonableness of the price or rent sought by the applicant.
  3. Any advertisements placed for the sale or rent of the property.
- (d) The feasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
1. A report from a licensed engineer or architect with experience in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  2. An estimate of the cost of construction, alteration, demolition, or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Historic Preservation Board concerning the appropriateness of proposed alterations.
  3. The estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
  4. The testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structures on the property.
  5. Proof of the financial ability to complete the replacement project.
  6. The current fair market value of the property, as determined by at least two independent appraisers certified by the State of Florida.
- (e) Any other information the applicant or the Historic Preservation Board feels is relevant to demonstrate extreme economic hardship or the lack thereof.

The applicant shall submit all necessary materials to the Historic Preservation Officer, as provided for in Section 64.471 of the Code, in order that staff may review and comment and consult on the case. Historic Preservation staff comments and any other comments shall be forwarded to the Historic Preservation Board for consideration and review and made available to the applicant for consideration prior to the hearing.

The Historic Preservation Board may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. Staff may also furnish additional information as the Historic Preservation Board or staff believes is relevant and it shall be made available to the applicant and the Board for consideration prior to the hearing.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

#### **Sec. 62.709. Recommendation of Demolition.**

Following recommendation of demolition, the applicant shall be required to obtain a building permit for new development based on the standards set forth in this Chapter, prior to receiving a demolition permit.

(Ord. of 9-16-1991, Doc. #25099; Ord. of 2-22-1993, Doc. #26392)

### **CHAPTER 64. PART 2D. ON-SITE SIGNS; LANDMARK SIGNS**

#### **Sec. 64.263. Relationship to the Growth Management Plan.**

The Landmark Sign designation implements GMP Historic Preservation Goal 1, to preserve and protect historic resources of local historic or cultural interest; Historic Preservation Objective 1.2, Policy 1.2.2 to protect historically significant landmark signs.

(Ord. of 9-16-1991, Doc. #25101; Ord. of 2-21-1994, Doc. #27277)

#### **Sec. 64.264. Purpose of Landmark Sign Designation.**

The purpose of the Landmark Sign designation is to promote the educational, cultural and economic welfare of the public of the City by preserving and protecting Landmark Signs which serve as visible reminders of the history and cultural heritage of the City, State or Nation. Many of these signs no longer conform to the Land Development Code, yet they remain as important artifacts of the City's commercial history of the mid 1900's during the rise of the popularity of the automobile and the development of commercial corridors.

(Ord. of 9-16-1991, Doc. #25101; Ord. of 2-21-1994, Doc. #27277)

#### **Sec. 64.265. Designation of Landmark Signs.**

The owner of any sign that has existed in its original location since 1965 may request that said sign be reviewed for its significance upon written application to the Historic Preservation Board. The Historic Preservation Board shall find that the sign meets all of the following criteria in making its recommendation for Landmark Sign designation:

- (a) The sign exemplifies the cultural, economic or historic heritage of the City of Orlando.
- (b) The sign merits recognition as an important example of technology, craftsmanship, materials or design.

- (c) The sign has not been significantly altered from its historic appearance.
- (d) The sign is structurally safe or can be made safe without substantially altering its historical appearance.
- (e) The sign is operable or can be made operable without substantially altering its historical appearance.

Nothing in this section shall prohibit the owner from removing a Landmark Sign.  
 (Ord. of 9-16-1991, Doc. #25101; Ord. of 2-21-1994, Doc. #27277; Ord. of 10-9-1995, Doc. #28847)

**Sec. 64.266. Exceptions for Landmark Signs.**

The following exceptions to Chapter 64 of the LDC shall apply to designated Landmark Signs:

- (a) Roof signs shall be allowed.
- (b) Animation, as originally installed, shall be allowed.
- (c) Landmark Signs shall not be restricted by height or size.
- (d) Landmark Signs that are retained and that are clearly not related to the existing business shall not be charged in the allowable amount of sign area.
- (e) Landmark Signs that are within the right-of-way may remain until such time as they become a life or safety issue, or until the City requires their removal for right-of-way improvements, and shall be removed at the owner's expense upon written notification of the City.

(Ord. of 9-16-1991, Doc. #25101; Ord. of 2-21-1994, Doc. #27277)

**Sec. 64.267. Requirements for Landmark Signs.**

Within 90 days of designation, the owner of any electrified sign shall place it in working order. Any alterations to the Landmark Sign require a Certificate of Appropriateness prior to the issuance of a sign permit.

(Ord. of 9-16-1991, Doc. #25101; Ord. of 10-9-1995, Doc. #28847)

**Sec. 64.268-269. Reserved.**

**CHAPTER 65. PART 4B. CERTIFICATE OF APPROPRIATENESS FOR ALTERATIONS--HISTORIC LANDMARKS AND STRUCTURES IN HP OVERLAY DISTRICTS**

**Sec. 65.470. Certificate of Appropriateness Required for Alterations of Historic Landmarks and/or Structures in HP Overlay Districts.**

The purpose of a Certificate of Appropriateness is to ensure that all construction, alteration, restoration, relocation, or demolition of an Historic Landmark or of structure(s) in an HP Overlay District is in accordance with standards, values, and characteristics of the particular district or landmark. This is in order to protect and preserve the historic resources of the City. Said standards, values, and

characteristics are listed in Section 58.401, and Parts 2 and 7 of Chapter 62 of this Code and are recited in the ordinances which created the relevant district or landmark.

**General.** A Certificate of Appropriateness shall be required for the following:

- (a) For Historic Landmarks: All construction, alteration, restoration, relocation or demolition on or to any Historic Landmark (whether such Historic Landmark consists of land or structure or both); and
- (b) Within an HP Overlay District: All construction, alteration, restoration, relocation or demolition of or to any exterior portion of any building, other structure, above-ground utility structure, or any type of outdoor advertising sign (in the case of outdoor advertising signs, "exterior portion" shall mean the style, material, size and location of such signs).

Certificate of Appropriateness Required Before Issuance of Building Permit or Other Permit. A Certificate of Appropriateness must be issued by the Historic Preservation Board prior to the issuance of any building permit or any other permit required for construction or alteration of land or structures. A Certificate of Appropriateness shall always be required whenever a building permit is required; provided, however, that a Certificate of Appropriateness may also be required when a building permit is not required if the proposed alteration, etc. otherwise falls into the categories listed in the preceding paragraph.

Interior Arrangements Not Considered Within HP Overlay Districts. The Historic Preservation Board shall not consider interior arrangement within HP Overlay Districts and shall take no action under this part except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of building structures, appurtenant fixtures, outdoor advertising signs or natural features in the HP Overlay District which would be incongruous with the historical, architectural or cultural aspects of the district. However, the Historic Preservation Board shall consider interior arrangements of landmarks where such arrangements are integral to the Historic Landmark status.

Dual Status. It is possible for an Historic Landmark to be located within an HP Overlay District. In such event, the protection and procedures provided by this and the following Code Section shall be cumulative and not alternative.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

**Sec. 65.471. Procedure for Issuance of Certificate of Appropriateness; Application; Review; Hearing; Criteria; Approval/Denial; 180-Day Waiting Period; Appeal.**

Application. Any person desiring to construct, alter, restore, relocate or demolish an Historic Landmark or a structure in an HP Overlay District must submit to the Historic Preservation Board a fully completed written application form requesting the issuance of a Certificate of Appropriateness. Application forms and summaries of deadlines and application procedures shall be maintained by the Historic Preservation Officer and shall be made available to the general public. It shall be the responsibility of the Historic Preservation Office to institute the applicable and appropriate review procedure. There are hereby established for all Orlando Historic Districts and Historic Landmarks two Certificate of Appropriateness review procedures.

Submittal Requirement. Submittals shall be as set forth in Section 65.376 of this Code, including any other requirements as provided by the Appearance Review Officer.

**Major Review**

One procedure shall be a major review and will occur for alterations, construction, restorations, relocations, demolitions or other significant changes to the appearance of an Historic Landmark or

structure in an HP Overlay District which have a major impact on the significant historical, architectural, or cultural materials of the structure and/or the district. A major review may also occur at the request of an applicant.

Major Review Criteria. All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc. is compatible with the standards, values and characteristics of the particular district or Historic Landmark. Said standards, values and characteristics are listed at Section 58.401 and Parts 2 and 7 of Chapter 62 of this Code and are recited in the ordinances which created the relevant district or landmark.

Major Review. After submission of the application, the Historic Preservation Officer shall prepare a written recommendation which addresses the criteria listed above in the paragraph entitled "Major Review Criteria," and which recommends approval, denial or approval-with-conditions of the application. The recommendation of the Historic Preservation Officer is then sent to the Historic Preservation Board prior to a hearing.

Major Review Hearing and Decision. After receipt of the recommendation(s) described above, and after written notice to the applicant and posting of a notice sign on the affected property or structure (both of which notices must describe the nature of the hearing, and its time, date and place), the Historic Preservation Board shall hold a public hearing on the application. Any person shall be permitted to comment at such hearing. After the hearing, the Historic Preservation Board shall issue its written decision approving, denying, or approving with conditions the application. The decision must address the criteria described above in the paragraph entitled "Major Review Criteria," and must state the reasons for such a decision.

Major Review Approval/Denial. If the application is approved, the Certificate of Appropriateness shall be issued. If the application is denied, a Certificate of Appropriateness shall not be issued. If the application is approved with conditions, then the Certificate of Appropriateness shall be issued with the conditions noted, and the applicant must meet all such conditions.

Major Review 180-Day Waiting Period. A major review 180 day waiting period shall be required in the event that a Certificate of Appropriateness is sought for any demolition or relocation of any Historic Landmark or any structure in an HP Overlay District. If a Certificate is issued by the Historic Preservation Board, then such Certificate must include the condition that the applicant must wait for a total period of 180 days (measured from the time when the minutes of the Board hearing are accepted by City Council) before the applicant may perform such demolition or relocation in accordance with Section 65.476.

Major Review Hardships. The Historic Preservation Board is authorized to issue Certificates of Appropriateness and to reduce or waive 180-day waiting periods (where applicable) even though the appropriate criteria listed above have not been met if, and only if, the denial of such Certificate or the imposition of such waiting period (where applicable) would cause the property owner extreme hardship, not including loss of profit.

## **Minor Review**

One procedure shall be a minor review procedure composed of Administrative review performed by the Planning Official or designee and a qualified member of the Historic Preservation Board.

The Historic Preservation Board shall appoint one board member and two alternates to serve on the Minor Review Committee. The term of the appointment shall be for a period of one year. The Historic Preservation Board members who will serve on the Minor Review Committee shall be a representative of one of the following organizations, professions, or groups:

- (a) An architect.

- (b) An engineer.
- (c) A building contractor.
- (d) A landscape architect.
- (e) An architectural historian.

General. A minor review shall occur for construction and alterations of an Historic Landmark or structure in an HP Overlay District which have a minor impact on the significant historical, architectural, or cultural materials of the structure and/or the district. If there is a conflict between any historic district ordinance and this ordinance, this ordinance shall apply. The minor review procedure shall apply to the following:

1. All fences and gates;
2. Awnings and back-lit awnings;
3. Signs painted or attached to window surfaces, signs including wall graphics painted on facade(s), and name plaques one square foot or smaller;
4. Replacement of same or like materials for gates, fences, driveways, walkways, steps, siding, roofs, doors, or windows;
5. Mechanical systems including heat and cooling equipment and irrigation systems;
6. Small accessory structures under 100 square feet in the rear yard as defined in Chapter 66, "Definitions" of this Code and not visible from the right-of-way;
7. All paint colors where required;
8. All paving materials;
9. Roof color where required;
10. Foundation skirting;
11. All exterior lighting;
12. Signs for non-contributing structures in commercially zoned areas;
13. Garage doors not visible from the right-of-way;
14. Any other request determined by the Planning Official or his designee and the Minor Review Committee to have a minor impact or no potential detriment on the structure or historic district.

If either the Planning Official or his designee and the Minor Review Committee member determine that there would be a major impact or potential detriment as a result of the proposed action, the application shall be submitted for major review.

Minor Review Criteria. All reviews, recommendations, and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with the standards and characteristics of the particular district or landmark. Said standards and characteristics are listed in Section 58.401, and Parts 2 and 7 of Chapter 62 of this Code and are recited in the ordinances which created the relevant district or Historic Landmark.

Minor Review. After submission of the minor review application, the Planning Official or his designee shall prepare a written recommendation which addresses the criteria listed above in the paragraph entitled "Minor Review Criteria," and which recommends approval, denial, or approval-with-conditions of the application. The recommendation of the Planning Official or his designee shall be presented to the applicant and Minor Review Committee at a Minor Review Committee meeting which shall take place within ten (10) days of the submittal of a Certificate of Appropriateness application.

The minor review shall require no posting of a notice sign on the affected property or public hearing on the application. After the minor review, the Minor Review Committee shall issue a written decision approving, denying or approving-with-conditions the application.

Minor Review Approval/Denial. If the application is approved, the Certificate of Appropriateness shall be issued. If the application is denied, a Certificate of Appropriateness shall not be issued. If the application is approved-with-conditions, then the Certificate of Appropriateness shall be issued with the conditions noted, and the applicant must meet all such conditions.

Minor Review Denial. If the Minor Review Committee denies the Certificate of Appropriateness request, the applicant may apply for a major review before the Historic Preservation Board.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.472. Changes in Approved Certificate of Appropriateness Allowed.**

Any change in work proposed subsequent to the issuance of a Certificate of Appropriateness shall be reviewed by the Historic Preservation Officer or his designee. If the Historic Preservation Officer or his designee finds that the proposed change does not materially affect the historic character of the structure(s) or the proposed change is in accord with approved guidelines, standards, and Certificates of Appropriateness previously approved by the Historic Preservation Board, the officer may issue a supplementary Certificate of Appropriateness for such change. If the proposed change may not be in accord with guidelines, standards, or Certificates of Appropriateness previously approved by the Board, a new application for a Certificate of Appropriateness shall be required.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.473. Expiration of Certificate of Appropriateness.**

A Certificate of Appropriateness shall be valid for a period of one year after its date of approval. After the expiration date, if work is not already in progress, the owner or applicant must show cause why the proposed work is not in progress, in order to be allowed a sixty (60) day grace period to initiate the work. Otherwise, the owner or applicant must reapply for a Certificate of Appropriateness. Any decision of the Historic Preservation Officer can be appealed to the Historic Preservation Board.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.474. Ordinary Maintenance Allowed.**

Nothing in this Part shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an HP Overlay district or of any Historic Landmark which does not involve a change in design, material, or outer appearance thereof.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.475. Public Safety.**

Nothing in this Part shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector or his designee shall certify is required by the public safety because of an unsafe or dangerous condition.

(Ord. of 9-16-1991, Doc. #25102)

### **Sec. 65.476. Process for Demolition and/or Relocation.**

The review process for demolition and/or relocation of any Historic Landmark and/or structures within an HP Overlay district requires a minimum of 180 days. The applicant must first apply for a Certificate of Appropriateness in accordance with Section 65.471 of this Code.

For purposes of this Section, the 180 day time period will commence from the time when the minutes of the Board hearing are accepted by City Council.

Negotiations. During this 180-day period, the Historic Preservation board may negotiate with the owner or person in charge of the Historic Landmark and with any other parties in an effort to find a means of preserving the property.

Acquisitions. During this period, or at any time prior thereto and following notice of designation to the owner and where such action is appropriate for the continued preservation of the property, the Historic Preservation Board may enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein. Nothing herein shall be construed to authorize the Board to obligate the City in the acquisition of property.

Extension in Waiting Period. The 180-day period may be extended for up to an additional 180 days should the City Council determine upon recommendation of the Historic Preservation Board that:

1. there is a program or project under way which could result in public or private acquisition of the property involving the preservation and/or restoration of such property; and
2. that there is a reasonable ground to believe that the program or project may be successful.

Reduction/Waiver in Waiting Period. The Historic Preservation Board is authorized to reduce or waive this waiting period if the applicant agrees to perform the proposed demolition or relocation in accordance with such conditions as the Historic Preservation Board may require, which conditions must be consistent with the criteria listed in Section 65.471 entitled "Criteria." If a reduction/waiver of the waiting period is sought by the applicant, this period may be reduced or waived where the owner would suffer extreme hardship, not including loss of profit, unless a reduction/waiver in the required period were allowed.

Appeals. Nothing in this Part shall prevent any person aggrieved by a determination of the Historic Preservation Board from appealing such determination to the City Council in accordance with this Chapter and thence to the appropriate court.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 4-20-1992, Doc. #25638; Ord. of 6-20-1994, Doc. #27635)

## **Sec. 65.479. Maintenance and Repair Required.**

Neither the owner of, nor the person in charge of a structure within an HP Overlay district or a designated Historic Landmark, shall permit such structures or Landmarks to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature which contributes to the structural integrity so as to produce or tend to produce, in the judgment of the Historic Preservation Board, according to accepted Historic Preservation principles a detrimental effect upon the historic character of the district as a whole or the life and historic character or structural viability of the Historic Landmark or structure in question, including but not limited to:

- (a) The deterioration of exterior walls or other vertical supports;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of exterior chimneys;
- (d) The deterioration or crumbling of exterior finish materials such as stucco, shingles, paint or mortar;
- (e) The ineffective water-proofing of the property, including broken windows or doors;
- (f) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
- (g) The deterioration of any architectural feature which contributes to the architectural or historic significance and/or integrity of the structure.

The mechanism used for monitoring and enforcement of maintenance and repair shall be the same as set forth in the City of Orlando Housing Code, Chapter 30A.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 4-20-1992, Doc. #25638; Ord. of 6-20-1994, Doc. #27635)

## **CHAPTER 65. PART 7. HISTORIC DISTRICTS AND HISTORIC LANDMARKS**

### **7A. DESIGNATION**

#### **Sec. 65.720. Designation of Historic Landmarks.**

The Historic Preservation Board may designate by ordinance any site, building, structure or object as an Historic Landmark only when appropriate documentation demonstrates significance in history, architecture, archaeology, engineering or culture and it possesses integrity of location, design, setting, materials, workmanship, feeling and association and:

- (a) That is associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That is associated with the lives of persons significant in our past; or

- (c) That embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic values; or
- (d) That has yielded or may be likely to yield, information important in prehistory or history.

Review Procedure. Ordinarily, properties that are not at least 50 years old shall not be considered eligible for Historic Landmark designation. However, such properties may qualify if in the judgment of the Historic Preservation Board a property has achieved special historical, architectural, environmental or archeological significance as listed under Section 65.720.

The Historic Preservation Board shall conduct a public hearing following written notice by mail posted no later than ten (10) days prior to such hearing to the last-known address of the owners of the affected property of the date, time and place of said hearing. In addition, a sign containing the same information shall be placed on the affected property no later than ten (10) days prior to such hearing. Upon recommendation of the Historic Preservation Board, the Municipal Planning Board shall consider the appropriateness of such recommendations and may recommend to the City Council adoption of an ordinance designating one or more Historic Landmarks based on the same criteria considered by the Historic Preservation Board, which criteria are described in this section.

Nomination. Historic Landmarks may be nominated by the Historic Preservation Board, a member of City Council, owner of the proposed landmark or an authorized agent, a government agency, any organization with vested interest in the property and a recognized interest in historic preservation, or any person.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.721. Alteration of a Landmark.**

An Historic Landmark designated by ordinance as herein provided may be demolished, materially altered, remodeled, or relocated only as provided in Chapter 65, Part 4B (Certificate of Appropriateness).  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Secs. 65.722--65.729. Reserved.**

## **7B. CRITERIA**

### **Sec. 65.730. Criteria for Demolition.**

In reviewing an application for the demolition of an Historic Landmark or a structure in an HP Overlay district, the Historic Preservation Board shall consider the following criteria:

- (a) The historic, architectural or environmental significance of the structure.
- (b) The historic, architectural or environmental significance of the structure to the overall ensemble of structures within the HP Overlay district and the importance of the structure to the integrity of the HP Overlay district.
- (c) The aesthetic interest that the structure adds to the HP Overlay district, or in the case of an Historic Landmark, to the City.
- (d) The number of remaining examples of similar significance in the HP Overlay district or, in the case of an Historic Landmark, in the City.

- (e) The difficulty or impossibility of reproducing such a structure because of its design, texture, material, detail, size, scale or uniqueness of location.
- (f) The plans for future utilization of the site and the effect those plans will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the HP Overlay district.
- (g) The reasonable measures that can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect, including, but not limited to, relocation.
- (h) Any measures that have been taken to prevent the structure from deteriorating, such as performance of normal maintenance and repairs and provision of normal tenant improvements. In addition, whether the structure was willfully or negligently allowed to deteriorate.
- (i) The determination by the Building Official that the structure is an imminent hazard to public safety and that repairs would be impractical.
- (j) The economic hardship imposed on the owner if the application for Certificate of Appropriateness for demolition is denied.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.731. Economic Hardship.**

Economic hardship, as discussed in Section 62.707(j) above, shall be determined in the following manner: When a claim of economic hardship is submitted, the applicant must prove he cannot realize a reasonable and beneficial use of or economic return from the property. If the property is residential and non-income producing or is an accessory structure, the owner shall not be required to prove economic hardship. In the case of a partial demolition of a structure where the principal facades remain intact, the owner shall not be required to prove economic hardship. The Historic Preservation Board shall make findings based on each of the following factors provided by the applicant:

- (a) Whether the applicant knew or should have known of the Historic Landmark designation or HP Overlay district designation at the time of acquisition and whether the structure or HP Overlay district was designated subsequent to acquisition.
- (b) With respect to economic return, the following may be considered:
  1. Real estate taxes for the previous four (4) years and the assessed value of the land and improvements thereon according to the two (2) most recent assessed valuations.
  2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as a gift or inheritance, and the party from whom purchased or otherwise acquired.
  3. The fair market value of the property immediately prior to its designation as an Historic Landmark or designation of the HP Overlay district; and the fair market value of the property at the time the application for Certificate of Appropriateness is filed.
  4. Remaining balance on any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two (2) years.
  5. All appraisals obtained within the previous two (2) years by the Property Owner/Applicant in connection with the purchase, financing or ownership of the property.

6. Any state or federal income tax returns on or relating to the property for the past two (2) years.
  7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
  8. Annual gross income from the property for the previous two (2) years.
  9. Itemized operating and maintenance expenses for the previous two (2) years, (including proof that adequate and competent management procedures were followed).
  10. Depreciation deduction and annual cash flow, if any, for the previous two (2) years before and after debt service, if any during the same period.
  11. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.
  12. Any other information considered necessary by the Historic Preservation Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (c) The marketability or salability of the property, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
1. Any real estate broker or firm engaged to sell or lease the property.
  2. Reasonableness of the price or rent sought by the applicant.
  3. Any advertisements placed for the sale or rent of the property.
- (d) The feasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness, ability to meet Code and Life Safety Standards of any structures on the property and their suitability for rehabilitation.
  2. An estimate of the cost of construction, alteration, demolition, or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Historic Preservation Board concerning the appropriateness of proposed alterations.
  3. The estimated market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
  4. The testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structures on the property.
  5. Proof of the financial ability to complete the replacement project.
  6. The current fair market value of the property, as determined by at least two independent appraisers certified by the State of Florida.

- (e) Any other information the applicant or the Historic Preservation Board feels is relevant to demonstrate extreme economic hardship or the lack thereof.

***The applicant shall submit all necessary materials (by the application deadline) to the Historic Preservation Officer, as provided for in Section 65.471 of the Code, in order that staff may review, comment, and consult on the case.*** Historic Preservation staff comments and any other comments shall be forwarded to the Historic Preservation Board for consideration and review and made available to the applicant for consideration prior to the hearing. The Historic Preservation Board may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. Staff may also furnish additional information as the Historic Preservation Board or staff believes is relevant and it shall be made available to the applicant and the Board for consideration prior to the hearing. (Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.732. Recommendation of Demolition.**

Following recommendation of demolition, the applicant must receive a building permit for new development based on the standards set forth in this Chapter, prior to receiving a demolition permit. (Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Secs. 65.733--65.739. Reserved.**

## ***CHAPTER 65. PART 8. TAX EXEMPTION FOR REHABILITATION OF HISTORIC LANDMARKS AND PROPERTIES IN HP OVERLAY DISTRICTS***

### **Sec. 65.800. Purpose.**

In November of 1992, Florida voters overwhelmingly approved by referendum an amendment to the Florida State Constitution authorizing units of local government to provide a partial ad valorem property tax exemption to owners of Florida historic properties who restore, rehabilitate or renovate those structures. The City of Orlando hereby creates an ad valorem exemption for qualifying improvement of historic properties designated by the City of Orlando in order to accomplish the following purposes:

- (a) Provide a positive financial incentive for designation of Orlando Historic Landmarks and HP Overlay districts;
- (b) Encourage more restoration, rehabilitation and renovation of designated historic structures in Orlando;
- (c) Stabilize and improve property values, and enhance the property tax base of the City of Orlando, by encouraging improvement of designated historic structures; and
- (d) Improve the appearance of designated Historic Landmarks and HP Overlay districts in Orlando, therefore enhancing their appeal as places to live, to work, or to visit.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

## **Sec. 65.801. Definitions.**

Assessed Value. For purposes of this section, the total value of a tax parcel, excluding the value of the land, as determined by the Orange County Property Appraiser, and shown on the property tax bill sent to the owner of record by Orange County.

Historic Preservation Board. The Historic Preservation Board created by Section 65.130 of the Orlando Land Development Code.

Contributing Property. Property determined by the Historic Preservation Board at the time of designation of an HP Overlay district as a property that shares in the qualities and characteristics that qualified an area of the City of Orlando as an HP Overlay district.

Owner of Record. The owner of record as defined in Section 66.200 of the Land Development Code.

Preservation Exemption Covenant. The Historic Preservation Property Tax Exemption Covenant, in substantially similar form to Florida DOS Form No. HR3E111292, indicating that the owner agrees to maintain and repair the property so as to preserve the architectural, historical, or archaeological integrity of the property during the Exemption Period.

Qualifying Improvement. Any change in the condition of qualifying property brought about by the expenditure of money on labor or materials for the restoration, renovation or rehabilitation of such property. Expenditures for interior or exterior work, including construction of additions or accessory structures, shall be included in the meaning of improvement for purposes of this section.

Qualifying Improvement Project. A qualifying improvement project is one for which the property owner can document to the satisfaction of the Historic Preservation Board that the total expenditure on the project within the two (2) years prior to the date of submission of the Part 2: Final Application equals or exceeds twenty-five percent (25%) of the assessed value of the property in the year in which the qualifying improvement project was initiated. An amount equal to \$2,500, or fifteen percent (15%) of the amount spent on the qualifying improvement project, whichever is less, must be an expenditure on work to the exterior of the historic structure.

Qualifying Property. The following real property in the City of Orlando is qualifying property for purposes of this Section: (a) property designated as a Historic Landmark by the City of Orlando, and (b) property within the boundaries of an HP Overlay District designated by the City of Orlando and found by the Historic Preservation Board to be a contributing property to that district. The property must be a qualifying property on the date that the historic rehabilitation tax exemption is approved by City Council. (Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

## **Sec. 65.802. Historic Rehabilitation Tax Exemption.**

Qualifying property that has completed a qualifying improvement project shall be exempt from that portion of ad valorem taxation levied by the City of Orlando on one hundred percent (100%) of the increase in assessed value resulting from the qualifying improvement project during the Exemption Period. The amount of the exemption shall be determined by the Orange County Property Appraiser based upon its usual process for post-construction inspection and appraisal of property following rehabilitation or renovation.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.803. Exemption Period.**

The Exemption Period shall be ten (10) years, beginning on January 1 of the year following the year in which final approval of the application is given by the City Council and the Orange County Property Appraiser has been instructed by the Historic Preservation Officer to provide the Historic Rehabilitation Tax Exemption. The Exemption Period shall continue in force even when the applicant subsequently sells the property.

Property owned by a non-profit or governmental entity exempt from the payment of ad valorem taxes on the date that the application is filed, but subsequently sold to a for-profit owner not exempt from payment of ad valorem taxes, shall be qualifying property for the remaining period of the exemption following the date on which the property has been conveyed or sold to the for-profit owner.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.804. Application.**

Application for the Historic Rehabilitation Tax Exemption shall be made on the appropriate form obtained from the City of Orlando Historic Preservation Officer. The application form shall contain all the information required in the tax exemption application form approved by the Division of Historical Resources, Florida Department of State, and promulgated in accordance with F.A.C. 1A-38, but shall also contain such additional information, including documentation of the cost of the qualifying improvements, as determined necessary by the Historic Preservation Board. Application forms and summaries of deadlines and application procedures shall be maintained by the Historic Preservation Officer and shall be made available to the general public.

Each applicant shall also be provided a copy of the Preservation Exemption Covenant, and an explanation of the requirement that the covenant must be signed before a final application can be approved by City Council.

A final application, in proper form, shall be submitted upon completion of the qualifying improvement project.

Every final application shall be accompanied by a copy of the Preservation Exemption Covenant in recordable form signed by every property owner of record.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.805. Applicant.**

The applicant shall be the owner of record of a qualifying property, or the authorized agent of the owner.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.806. Part 1: Preconstruction Application.**

Only expenditures made to contributing properties after the effective date of this ordinance shall be reviewed by the Historic Preservation Officer for approval.

*A Part 1: Preconstruction Application* shall be filed on the appropriate form before the qualifying improvement project is initiated. The Part 1: Preconstruction Application form shall be accompanied by information sufficient to allow the Historic Preservation Officer to determine whether the proposed project involves a qualifying property and will comply with the review standards contained in Section 65.815, and in the ordinance designating the district in which the property is located, if it is located in a designated HP Overlay district. It shall also contain information concerning the proposed cost of the qualifying

improvement project and be accompanied by a copy of the most recent tax bill sent out by the Orange County Property Appraiser.  
(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.807. Preconstruction Application: Review by Historic Preservation Officer.**

The Historic Preservation Officer shall contact the applicant within ten (10) days following submission of a properly completed Part 1: Preconstruction Application. The Historic Preservation Officer shall indicate to the applicant whether (1) the proposed work is a qualifying improvement project, and (2) whether the work as proposed is in compliance with the review standards contained in Section 65.815. If the Historic Preservation Officer determines that the work is a qualifying improvement project and that the work as proposed is in compliance with the review standards contained in Section 65.815, the Part 1: Preconstruction Application shall be approved by the Historic Preservation Office.

If the Historic Preservation Officer determines that the work as proposed is either (1) not a qualifying improvement project, or (2) is not in compliance with the review standards contained in Section 65.815, the applicant shall be so advised, and the Historic Preservation Officer shall make recommendations to the applicant concerning changes to the proposed work necessary to make it a qualifying improvement project and bring it in compliance with the review standards. The applicant shall have fourteen (14) days following receipt of a written summary of the recommendations of the Historic Preservation Officer to resubmit the Part 1: Preconstruction Application. This time period may be extended for an additional fourteen (14) days by the Historic Preservation Officer if practical difficulties make it impossible for the applicant to revise the Part 1: Preconstruction Application within fourteen (14) days.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.808. Work Requiring a Certificate of Appropriateness.**

If all or part of the proposed work involves exterior work requiring a Certificate of Appropriateness under Section 65.470 of the Land Development Code, the exterior portion of the work shall be reviewed in accordance with that section of the Code. The appropriate Major Review procedure or Minor Review procedure pursuant to Section 65.471 of the Code shall be applicable.

The Part 1: Preconstruction Application process may be conducted simultaneously with the process for issuance of a Certificate of Appropriateness, but no Preconstruction Application shall be approved by the Historic Preservation Officer and issued to the applicant until the process for issuance of a Certificate of Appropriateness has been completed.

However, if all or part of the proposed work involves exterior work requiring review by the Downtown Development Board/Development Review Committee under Section 65.510 of the Land Development Code, the exterior portion of the work shall be reviewed in accordance with that section of the Code.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.809. Part 2: Final Application for Review of Completed Work.**

The *Part 2: Final Application* shall be accompanied by documentation that the total cost of the work qualifies it as a qualifying improvement project. Appropriate documentation may include paid contractor's bills, canceled checks, an approved building permit application listing cost of work to be performed, or other information as determined to be sufficient by the Historic Preservation Officer.

The Historic Preservation Officer shall contact the applicant within seven (7) days following submission of a properly completed Part 2: Final Application. The Historic Preservation Officer shall indicate to the applicant whether (1) the completed work is a qualifying improvement project, and (2)

whether the work as completed is in compliance with the review standards contained in Section 65.815. If the Historic Preservation Officer determines that the work is a qualifying improvement project and is in compliance with the review standards contained in Section 65.815, the Part 2: Final Application shall be approved by the Historic Preservation Officer.

If the Historic Preservation Officer determines that the work as completed is either (1) not a qualifying improvement project, or (2) is not in compliance with the review standards contained in Section 65.815, the applicant shall be advised that the final application has been denied, and the Historic Preservation Officer shall provide a written summary of the reasons for that determination, including recommendations to the applicant concerning changes necessary to make it a qualifying improvement project and bring it in compliance with the review standards.

Upon submission of satisfactory evidence that the applicant intends to undertake the work necessary to comply with the recommendations of the Historic Preservation Officer, the denial of the final application may be continued by the Historic Preservation Officer for a reasonable period of time, not to exceed sixty (60) days, while the applicant makes a good faith effort to comply with the recommendations.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.810. Interior Inspection.**

Upon receipt of a Part 1: Preconstruction or Part 2: Final Application involving a qualifying improvement project in which some of the work is in the interior of the property, the Historic Preservation Officer may arrange with the applicant for an interior inspection. The purpose of the interior inspection is to ascertain the effect, if any, of the qualifying improvement project on significant historical or architectural interior features.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.811. Issuance of Other Permits.**

No Building Permit for work for which a tax exemption is sought, or other required permit, shall be issued by the City of Orlando until the required Certificate of Appropriateness and/or Part 1: Preconstruction Application has been approved and all appeal proceedings have been completed.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.812. Appeals to Historic Preservation Board.**

Within five (5) days following receipt of notice that the Historic Preservation Officer has denied a Part 1: Preconstruction Application or a Part 2: Final Application, the applicant may file an appeal from the determination to the Historic Preservation Board. The appeal shall be filed on a form prepared by the Historic Preservation Officer. Included with the form shall be a copy of any recommendations made by the Historic Preservation Officer.

The Historic Preservation Board shall review the qualifying improvement project in substantially the same manner as in a Major Review of a Certificate of Appropriateness as specified in Section 65.471. A public hearing shall be held and notice provided the applicant. The Standards for Review contained in Section 65.815 shall be the criteria applied by the Historic Preservation Board in hearing the appeal.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.813. Public Notice of Appeal to Historic Preservation Board.**

At least ten (10) days prior to the public hearing by the Historic Preservation Board on an appeal, a sign shall be posted in the front yard of the property notifying the public of the time and place of the

Historic Preservation Board meeting at which the appeal will be heard. At least two (2) weeks prior to the date of the Historic Preservation Board meeting, written notice shall also be sent to all owners of neighboring property summarizing the proposed qualifying improvement project and also indicating the time and place of the Historic Preservation Board meeting. If the decision of the Historic Preservation Board is that the Part 2: Final Application be approved, the applicant shall be notified to record the Preservation Exemption Covenant. If the decision of the Historic Preservation Board is that the Final Application be disapproved, the applicant may appeal the decision of the Board to City Council in accordance with Section 65.814.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.814. Appeal to City Council.**

The applicant may appeal any final decision of the Historic Preservation Board to City Council pursuant to Article XXIV, Section 2.176 and following.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.815. Standards for Review.**

In considering a Part 1: Preconstruction Application or a Part 2: Final Application, the Historic Preservation Officer and the Historic Preservation Board shall follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised, and as summarized in Section 62.201. The Historic Preservation Officer and the Historic Preservation Board shall also follow the Design and Demolition Standards contained in Part 7 of Section 62, and any standards in the ordinance designating a Historic Landmark or a particular area of the City of Orlando as an HP Overlay district.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.816. Completion of Work.**

An applicant must complete all work within two (2) years following the date of approval of a Part 1: Preconstruction Application. A Preconstruction Application approval shall automatically be considered revoked if the property owner has not submitted a Final Application within two (2) years following the date of approval of a Part 1: Preconstruction Application by the City Council. The Building Official, upon recommendation of the Historic Preservation Officer, may extend the time for completion of a substantial improvement project in accordance with procedures in Chapter 13, Building Code, Section 13.03-1.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.817. Historic Preservation Exemption Covenant.**

No Part 2: Final Application shall be approved by City Council unless it is accompanied by a signed Historic Preservation Exemption Covenant.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.818. Notice to Applicant.**

Written notice shall be made to the applicant in reference to each application after a recommendation or final decision has been made. Each written notice shall include reasons for the decision and recommendations for changes to the proposed improvement project that will make it a qualifying improvement.

The notice of approval shall indicate to the applicant that the Orange County Property Appraiser will be instructed by the Historic Preservation Officer to provide the Historic Rehabilitation Tax Exemption upon proper submission of a recorded copy of the Historic Preservation Exemption Covenant. (Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.819. Notice to Property Appraiser.**

Within three (3) business days following receipt by the Historic Preservation Officer from the applicant of a certified copy of the recorded Preservation Exemption Covenant, the Historic Preservation Officer shall transmit a copy of the approved Part 2: Final Application to the Orange County Property Appraiser, with instructions that the Property Appraiser provide the Historic Rehabilitation Tax Exemption to the applicant. A copy of the letter of transmittal to the Orange County Property Appraiser shall be sent to the applicant within three (3) business days following its submission.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.820. Effective Date of Exemption.**

The effective date of the Historic Rehabilitation Tax Exemption shall be January 1 of the year following the year in which the final application is approved and a Historic Preservation Exemption Covenant has been recorded and has been transmitted to the Orange County Property Appraiser.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.821. Revocation Proceedings.**

The Historic Preservation Officer may initiate proceedings to revoke the Historic Rehabilitation Tax Exemption in the event that the applicant, or any subsequent owner or successor in interest to the property, fails to maintain the property according to the terms, conditions, and standards of the Historic Preservation Exemption Covenant. Proceedings under this section may also be initiated following a finding by the Code Enforcement Board that a housing code violation has occurred. The Historic Preservation Board shall provide notice to the current owner of record of the property and hold a hearing in the same manner as in a Major Review of a Certificate of Appropriateness as specified in Section 65.471, and make a recommendation to City Council. City Council shall review the recommendation of the Historic Preservation Board and make a determination whether the Historic Rehabilitation Tax Exemption shall be revoked.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

#### **Sec. 65.822. Notice of Revocation.**

Upon a determination by City Council that the Historic Rehabilitation Tax Exemption shall be revoked, the Historic Preservation Officer shall provide written notice of the decision to the property owner of record as well as to the Orange County Property Appraiser. The notice to the owner of record shall be accompanied by reasons and recommendations for changes to the property that may result in reinstatement of the exemption.

Upon receipt of a notice of revocation, the Orange County Property Appraiser shall discontinue the Historic Rehabilitation Tax Exemption on the property as of January 1 of the year following receipt of the notice of revocation.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.823. Notice of Penalties.**

The notice of revocation shall include a statement that a penalty equal to the total amount of taxes that would have been due in March in each of the previous years in which the Historic Preservation Exemption Covenant was in effect had the property not received the exemption, less the total amount of taxes actually paid in those years, plus interest on the different calculated as provided in Florida Statutes § 212.2 shall be imposed by the Orange County Tax Collector for violation of the terms, conditions and standards of the Historic Preservation Exemption Covenant.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.824. Reinstatement.**

A property may be reinstated for the Historic Rehabilitation Tax Exemption upon satisfactory submission of evidence that the recommendations for changes to the property previously made by the Historic Preservation Officer have been completed. The process for reinstatement shall be the same as the process for review of a Part 2: Final Application as set forth in Section 65.809 and following. Upon completion of the reinstatement process, the Historic Preservation Officer shall notify the Property Appraiser pursuant to Section 65.819. The Historic Rehabilitation Tax Exemption shall only be reinstated for the remaining unexpired term of the initial Exemption Period.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.825. Reapplication.**

An applicant previously granted a Historic Rehabilitation Tax Exemption by the Historic Preservation Board may undertake an additional substantial improvement project during the Exemption Period, or following its expiration, and reapply for an additional Historic Rehabilitation Tax Exemption for such subsequent work.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.826. Annual Report.**

The Historic Preservation Officer shall prepare an annual report to the City Council concerning the Historic Rehabilitation Tax Exemption program. The report shall be filed in December of each calendar year, and shall summarize activities of the Historic Preservation Officer and the Historic Preservation Board related to the Historic Rehabilitation Tax Exemption program during the previous calendar year. The information contained in the annual report shall include, but not be limited to, the following items: (1) a list of the properties for which Part 1: Preconstruction Applications and Part 2: Final Applications were made during the preceding year, (2) explanation of the disposition of each application; (3) the total expenditure on each approved qualifying improvement project during the preceding year; (4) the total number of properties currently participating in the Historic Rehabilitation Tax Exemption program as of the end of the previous year, (5) the total expenditure on all qualifying improvement projects currently participating in the program; and (6) any other information requested by City Council, or considered significant by the Historic Preservation Officer.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)

### **Sec. 65.827. Judicial Review.**

Judicial review of decisions made by City Council shall be in accordance with Article XXIV, Section 2.180 of the Land Development Code.

(Ord. of 9-16-1991, Doc. #25102; Ord. of 6-20-1994, Doc. #27635)