City of Mount Dora
Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7112
Fax: 352-735-7191
E-mail: plandev@cityofmountdora.com

HISTORIC PRESERVATION BOARD
City Hall – 1st Floor Board Room, 510 N. Baker Street, Mount Dora, FL
January 25, 2023 at 4:00 PM

AGENDA

I. Call To Order

II. Roll Call With Determination Of Quorum

III. Approval of Minutes of November 23, 2022

IV. Election

a. Chairperson

b. Vice-Chair

V. Public participation/hearing for non-agenda items

VI. Certificate of Appropriateness

a. 104 E. 3rd Ave - Doors and Windows

i. Ex Parte Communication Disclosure
ii. Swearing in of staff / applicants
iii. Staff presentation
iv. Public Input
v. Discussion

b. 210 W 11th Ave - Reroof

i. Ex Parte Communication
ii. Swearing in of staff / applicants
iii. Staff presentation
iv. Public Input
v. Discussion

c. 809 N Donnelly St - Windows

i. Ex Parte Communication Disclosure
ii. Swearing in of staff/ applicants
iii. Staff presentation
iv. Public Input

v. Discussion

VII. Other Business

a. Wekiva Trail Discussion

b. Demo by Neglect Summary

c. Proposed Meeting Time Change

VIII. Announcement of next scheduled meeting date: February 22, 2023

IX. Adjournment

All meetings are held the last Wednesday of each month at 4:00 p.m. at City Hall – 510 N. Baker Street

NOTICE: Please note that, for purposes of Section 286.011, Florida Statutes, two or more members of the City Council may be present at this meeting, and this meeting may be considered a City Council meeting.

NOTICE: If any person decides to appeal any decisions at this meeting with respect to any matter considered, such person may need a record of these proceedings. For such purpose, a person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE: In accordance with the Americans With Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding should contact Jennifer Schwarz no later than seven (7) days prior to the proceedings. Telephone (352) 735-7183 for assistance. If hearing impaired, telephone the Florida Relay Service numbers (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

CITY OF
MOUNT DORA, FLORIDA
HISTORIC PRESERVATION
BOARD
MINUTES

November 23, 2022

Call To Order

Having been duly noticed as required by law, the November 23, 2022 meeting of the Mount Dora Historic Preservation Board was called to order at 4:00 p.m. by Det Joks, Chairman.

Roll Call With Determination Of Quorum

Present: Det Joks, Donald Marx, Tracy Gerken, Robert Gordon, Amanda Kelley, Kathleen Benjamin

Absent: Patricia Huizing

City Staff: Michele Janiszewski, *Senior Planner*; Whitney Scott, *Administrative Coordinator*; Sherry Sutphen, *City Attorney,* Emily Ragusa, *Associate Planner*

Approval of Minutes for October 26, 2022

Mr. Marx motioned to approve the October 26, 2022 minutes. Ms. Benjamin seconded the motion and all approved unanimously.

Corrections need to be made for committee members present at the last meeting. Previous member listed as present, no longer on board.

Public participation/hearing for non-agenda items

None

Certificate of Appropriateness

a. 1065 N Baker Street - Porch, Bathroom Addition, and Facade Improvements

i. Ex Parte Communication Disclosure
ii. Swearing in of staff/applicants
iii. Staff presentation
iv. Public Input
v. Discussion

The applicant proposes multiple alterations to the residence including:
Construct a new entrance gable with two traditional columns; construct a new entrance deck area with a 24" traditional railing; wrap three existing painted brick columns; fir out the existing front elevation and carport block walls and cover with traditional smooth bottom shakes; install trim casing on the front three windows;

DRAFT

remove the aluminum siding on the existing carport gable and install traditional board and batten, and construct a new additional master bathroom on the rear elevation. Staff recommends approval as the proposed changes are consistent with the masonry vernacular style and the city's land development code. A representative for the applicant provided a brief summary of the application.

Mr. Gordon motioned to approve the application. Ms. Gerken seconded the motion and all approved unanimously.

b. 351 W Fourth Street - Mount Dora Yacht Club Addition

i. Ex Parte Communication Disclosure
ii. Swearing in of staff/applicants
iii. Staff presentation
iv. Public Input
v. Discussion

The Applicant is proposing to add parapets to screen the building equipment mounted on the rooftop. The proposed parapet is decorative and the Applicant is seeking to utilize the same design as the infill between the front columns. The proposed renovations are consistent with the vernacular commercial construction type and will complement the other downtown commercial buildings, which primarily have flat roofs with parapets. Staff recommends approval as the request is consistent with the city's land development code and adopted Historic Design Guidelines.

Mr.Marx motioned to approve the application. Ms.Gerken seconded the motion and all approved unanimously.

c. 625 N Tremain Street - Enclosed Porch

i. Ex Parte Communication Disclosure
ii. Swearing in of staff/applicants
iii. Staff presentation
iv. Public Input
v. Discussion

The Applicant is seeking to expand the first-floor living area underneath the second-story overhang on the rear of the structure (western elevation). The square columns are proposed to remain and additional windows and a french door will be added to the addition. The Applicant is proposing to provide multiple windows and a French door. The porch will leave the brick columns in place and in front of the porch. In addition, the porch will be on the rear of the house and will not impact the front facade, which is visible from Tremain Street. Staff recommends approval as the

DRAFT

request is consistent with the city's land development code and adopted Historic Design Guidelines.

The applicant provided a brief summary of the proposed application.

Ms. Gerken motioned to approve the application. Mr. Marx seconded the motion and all approved unanimously.

Other Business

Ms. Sutphen provided an update on the cemetery issue that took place at the Country Club of Mount Dora.
Ms. Sutphen stated that she will provide more information as it becomes available.

a. Simpson Farmhouse Update

Ms. Lunday provided historical background and an update on the Simpson Farmhouse restoration process.

Announcement of next scheduled meeting date - January 4, 2022

Board members discussed the next meeting date, due to the holidays. Decided on January 4, 2023.
Ms. Sutphen stated to contact her assistant to confirm her availability.
Mr. Joks stated to inform absent members of the updated meeting dates.
Mr. Marx motioned to move the December 14th meeting to January 4, 2023, and keep the current January 25, 2023 meeting date, seconded by Mr. Gordon.
Mr. Marx requested the remaining status of each of their terms be available to them at the next meeting date.

Adjournment

Mr. Marx motioned to adjourn the meeting. Mr. Gordon seconded the motion and it was approved unanimously. The meeting was adjourned at 4:57 P.M.

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Det Joks, Chairman	***Faith Gibbs***
Historic Preservation Board	***Administrative Coordinator***

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2022

TO: Historic Preservation Board

FROM: Michele Janiszewski, AICP, Senior Planner

RE: **Certificate of Appropriateness; 104 E 3rd Avenue (Location); Replace Three (3) Wood Doors with Steel Doors (Request); Carillo Family Enterprises, LLC (Owner); Rangel Builders Inc. (Applicant).**

Property Information

Address:	104 E 3rd Avenue	**Current Use**	Commercial and Apartment
Zoning District:	C-2	**Land Use:**	Commercial

Original Structure Information

Date of Construction:	1930	**Style:**	Commercial Vernacular
Exterior Plan:	Rectangular	**Foundation Type:**	Poured Concrete Footing
Siding:	Concrete Block, Stucco, and Block	**Stories:**	Two
Roof:	Flat, Tar & Gravel	**Windows:**	Fixed, Casement 4

Description of Proposed Work: Replace three (3) exterior wood doors with steel doors.

Background on Architecture Style:
To exploit land value to the fullest, commercial buildings were constructed in close proximity to one another and designed to cover most of the lot. The side walls of one commercial building often formed party walls with adjacent buildings. Because of such design constraints, commercial buildings from the mid- I 850s to the 1940s shared many of the same characteristics. Most commercial buildings were rectangular in plan. One narrow elevation, facing the street, became the focus of the design and provided the building's identifying features. Facades were organized into distinct sections or zones, commonly containing one or two parts.

The two-part commercial block was a multi-story building, organized into upper and lower zones with distinct uses. The lower zone generally housed public spaces such as retail stores, banking room, insurance offices, or hotel lobbies. The upper zone often provided space for private uses, including apartments, offices, hotel rooms, and meeting halls.

The commercial vernacular style is characterized by a regular, rectangular plan; one to three stories in height; flat roof with a parapet; and brick, concrete block, stucco, rough texture as the primary exterior materials.

Guidance on Doors:
Pursuant to the Mount Dora Historic Design Guidelines, principle doors and entrances are an integral part of historic buildings in Mount Dora. They frequently contain decorative or stylistic features, such as transom and sidelights or detailed surrounds. Under Standard 2, doors and entrances and associated detailing should be preserved. Changes to door size and configuration should be avoided. If a historic entrance cannot be incorporated into a contemporary use for the building, the opening and any significant detailing should, nevertheless, be retained.

Replacement doors should either match the original - under Standard 6 or substitute new materials and designs sympathetic to the original under Standard 9. Under Standard 3 historic doors that do not match the composition and stylistic details of the building or missing door should not be substituted.

Contemporary stock doors and screen doors are inappropriate replacements. Replacement screen doors should be simple. Any ornamentation should be based on historic precedent and in keeping with the character of the door and entrance design. Aluminum, metal, and jalousie doors should be avoided.

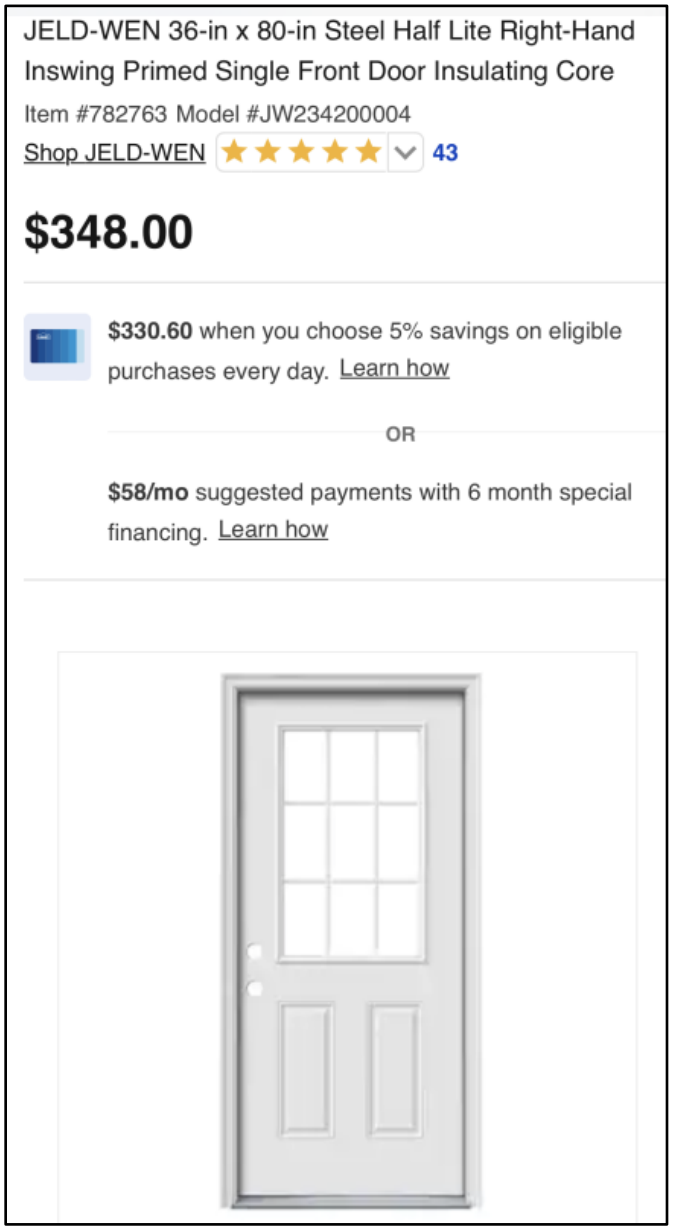
According to the U.S. Secretary of Interior's Standards for Historic Rehabilitation, when the physical condition of character-defining materials and features warrants additional work, repairing is recommended. Although using the same kind of material is always the preferred option, a substitute material may be an acceptable alternative if the form, design, and scale, as well as the substitute material itself, can effectively replicate the appearance of the remaining features.

Staff Analysis:
The applicant is seeking to replace three of the exterior, wood doors with steel doors. The size and location of the doors will not be changing; only the material and style.

Staff Recommendation:
The request is consistent with Section 3.6.4 of the City's Land Development Code and adopted Historic Design Guidelines and recommends approval of the application.

Attachments:
Site Photos with Existing and Proposed Doors
2008 Site Form
Application

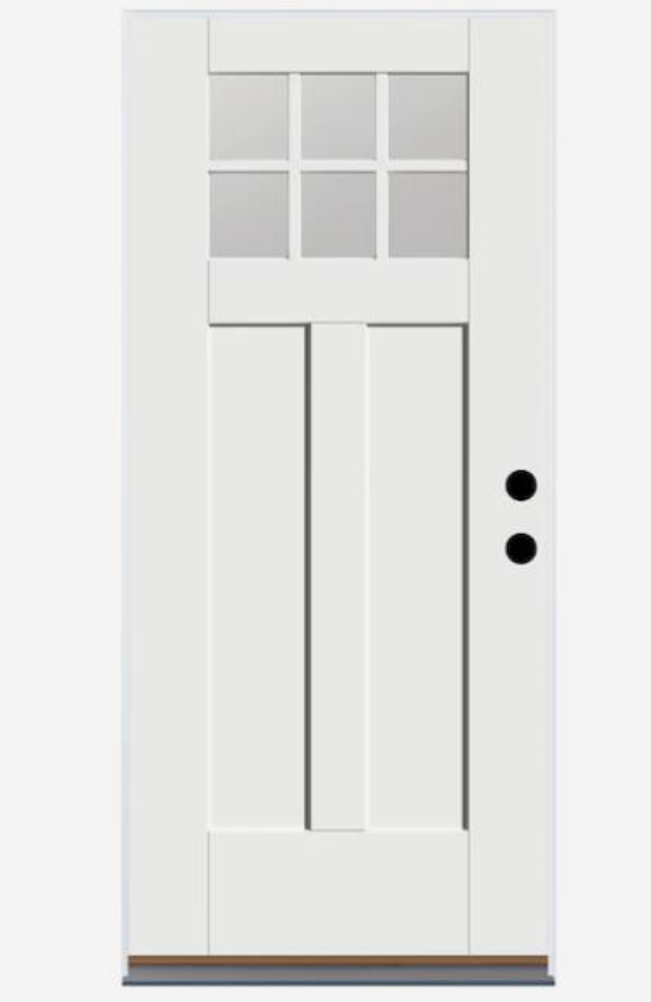
Existing Wood Door and Proposed Steel Door
Front Door of Store



Existing Wood Door and Proposed Steel Door
Front Door of Staircase

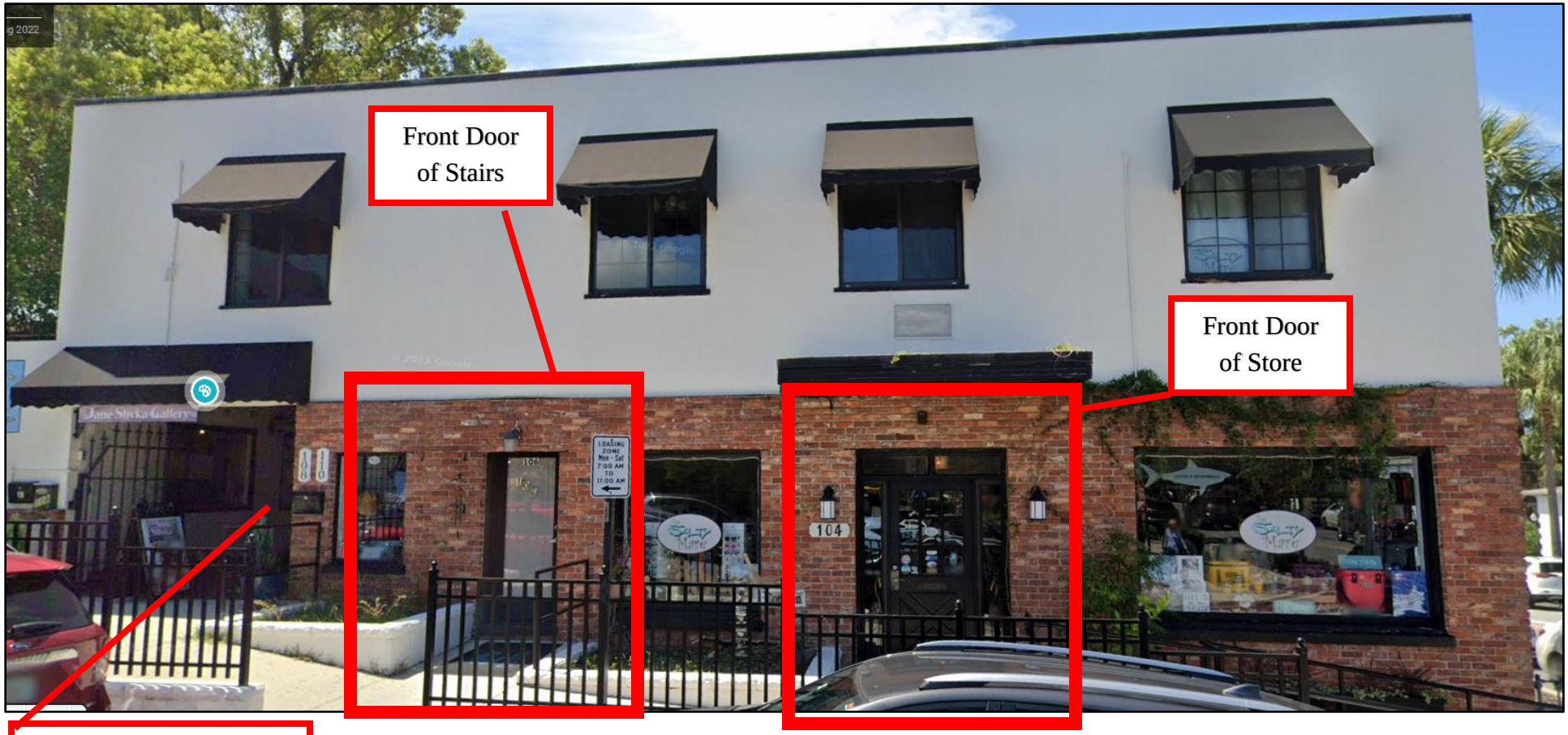
Therma-Tru Benchmark Doors 32-in x 80-in Fiberglass Craftsman Left-Hand Inswing Ready To Paint Single Front Door Insulating Core

Item #833548 Model #BMTT626463



Existing Wood Door and Proposed Steel Door
Side Door of Staircase

JELD-WEN 32-in x 80-in Steel Half Lite Right-Hand Outswing Primed Prehung Single Front Door Insulating Core. Item #782758**.** Model #JW234200010



Northern Façade of 104 E 3rd Ave, Mount Dora

Northern Façade of 104 E 3rd Ave, Mount Dora

Clear Form Values

Page 1

☐ Original
☒ Update

HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LA03889
Field Date 3-4-2020
Form Date 3-4-2020
Recorder # 128

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) 104-106 East 3rd Avenue — Multiple Listing (DHR only) _____
Survey Project Name Mount Dora Historic Resources Survey — Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☐private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Clear Location Values

	Street Number	Direction	Street Name	Street Type	Suffix Direction
Address:	104-106	E	3rd	Avenue	

Cross Streets (nearest / between) E 3rd Ave & N Donnelly St
USGS 7.5 Map Name EUSTIS — USGS Date 2018 — Plat or Other Map _____
City / Town (within 3 miles) Mount Dora — In City Limits? ☒yes ☐no ☐unknown — County Lake
Township 19S — Range 27E — Section 29 — ¼ section: ☐NW ☐SW ☐SE ☐NE — Irregular-name: _____
Tax Parcel # 29-19-27-0030-012-00001 — Landgrant _____
Subdivision Name _____ — Block 12 — Lot 1
UTM Coordinates: Zone ☐16 ☒17 — Easting 437101 — Northing 3185844
Other Coordinates: X: -81.64453 — Y: 28.79861 — Coordinate System & Datum WGS84
Name of Public Tract (e.g., park) _____

HISTORY

Clear History Values

Construction Year: 1930 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Unknown — From (year): _____ — To (year): _____
Current Use Commercial & residence — From (year): _____ — To (year): _____
Other Use _____ — From (year): _____ — To (year): _____
Moves: ☐yes ☒no ☐unknown — Date: _____ — Original address N/A
Alterations: ☐yes ☒no ☐unknown — Date: _____ — Nature _____
Additions: ☐yes ☒no ☐unknown — Date: _____ — Nature _____
Architect (last name first): Unknown — Builder (last name first): Unknown
Ownership History (especially original owner, dates, profession, etc.)

Is the Resource Affected by a Local Preservation Ordinance? ☒yes ☐no ☐unknown — Describe Historic District Boundary

DESCRIPTION

Clear Description Values

Style Commercial — Exterior Plan Rectangular — Number of Stories 2
Exterior Fabric(s) 1. Brick 2. Stucco 3. Block
Roof Type(s) 1. Flat 2. _____ 3. _____
Roof Material(s) 1. Tar & gravel 2. _____ 3. _____
Roof secondary strucs. (dormers etc.) 1. Other 2. parapet
Windows (types, materials, etc.)

fixed, casement 4

Distinguishing Architectural Features (exterior or interior ornaments)

1st floor brick facade, 2nd floor stucco facade. Cloth awnings over windows on 2nd floor and form-stone and concrete block plant beds

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info — Date _____ — Init. _____	
☐Owner Objection	KEEPER – Determined eligible: ☐yes ☐no Clear Check Boxes — Date _____	
	NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S Bronough St., Tallahassee, FL 32399-0250
Phone **850.245.6440** / Fax **850.245.6439** / E-mail **SiteFile@dos.myflorida.com**

HISTORICAL STRUCTURE FORM

Site #8 LA03889

DESCRIPTION (continued)

Clear Description Values

Chimney: No. 0 Chimney Material(s): 1. Not applicable 2. _____

Structural System(s): 1. Brick 2. Concrete block 3. _____

Foundation Type(s): 1. Slab 2. _____

Foundation Material(s): 1. Poured Concrete Footing 2. _____

Note: you may use the last box in each field to type in an answer that does not appear in the list provided

Main Entrance (stylistic details)

Inset Glass door with 2 lights on both sides covered by flat hung awning

Porch Descriptions (types, locations, roof types, etc.)

N/A

Condition (overall resource condition): ☐ excellent ☒ good ☐ fair ☐ deteriorated ☐ ruinous

Narrative Description of Resource

Archaeological Remains _____ ☐ Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☐ FMSF record search (sites/surveys)	☐ library research	☒ building permits	☐ Sanborn maps
☐ FL State Archives/photo collection	☐ city directory	☐ occupant/owner interview	☐ plat maps
☒ property appraiser / tax records	☐ newspaper files	☐ neighbor interview	☐ Public Lands Survey (DEP)
☐ cultural resource survey (CRAS)	☐ historic photos	☐ interior inspection	☐ HABS/HAER record search

☒ other methods (describe) Field visit and documentation

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

OPINION OF RESOURCE SIGNIFICANCE

Clear Significance Values

Appears to meet the criteria for National Register listing individually? ☐ yes ☒ no ☐ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☒ yes ☐ no ☐ insufficient information

Explanation of Evaluation (**required**, whether significant or not; use separate sheet if needed)

This structure does not appear to meet the criteria for the National Register listing individually, however, the structure does contribute to the overall character of the Mount Dora Historic District.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. Architecture 3. _____ 5. _____

2. Community planning & developm 4. _____ 6. _____

DOCUMENTATION

Clear Documentation Values

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

2) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Bradley Benmoshé, CNU-A Affiliation Other

Recorder Contact Information 6500 North Andrews Avenue, Fort Lauderdale, Florida 33309 / 954-776-1616

(address / phone / fax / e-mail)

Required Attachments

❶ **USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED**

❷ **LARGE SCALE STREET, PLAT OR PARCEL MAP** (available from most property appraiser web sites)

❸ **PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE**

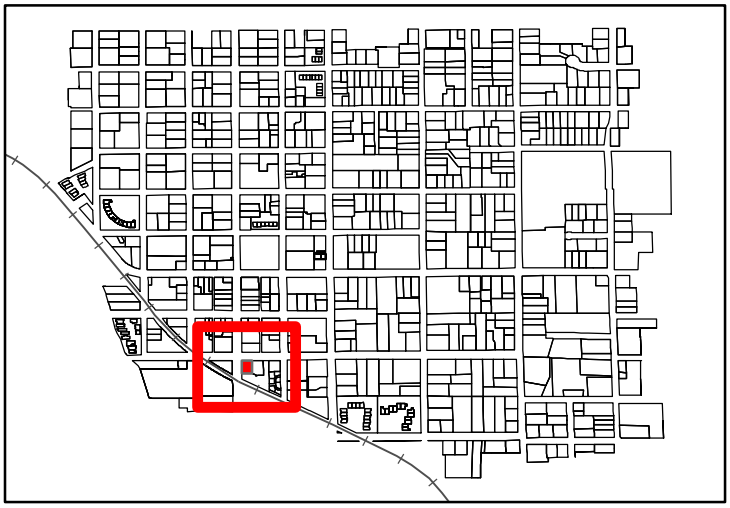
When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

Street Map

N

250 N DONNELLY ST MOUNT DORA FL 32757

0 40 80 160 Feet

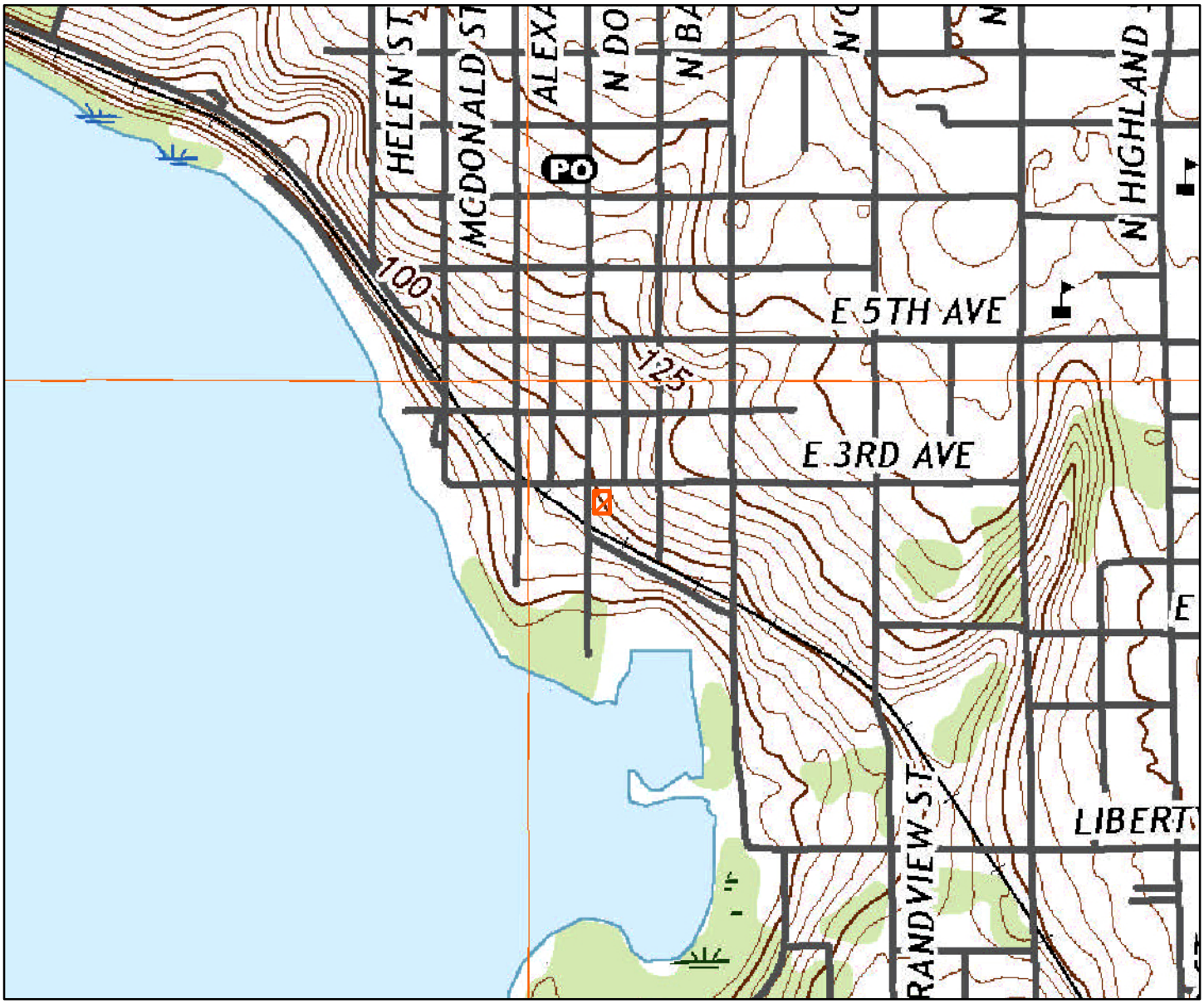


LA03889

KCI TECHNOLOGIES

Data Sources: Lake County, City of Mount Dora

USGS Map



N

LA03889

250 N DONNELLY ST MOUNT DORA FL 32757

Source: United States Geological Survey Eustis, FL 2018

KCI TECHNOLOGIES

Jane Slivka Gallery
4 HR PARKING 11:00 AM TO 6:00 PM
108
106
LOADING ZONE Mon - Sat 7:00 AM TO 11:00 AM
Soft Step SHOES
TOTAL FOOT COMFORT AND BEAUTIFUL DESIGN!
104
Soft Step SHOES
THE BEST TECHNOLOGY COMBINED W/ STYLE AND COMFORT!
ENTIRE STORE
60% OFF
Soft Step
OUTLET

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7112
Fax: 352-735-7191
E-mail: plandev@cityofmountdora.com

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
Renovations, Additions and New Construction

Subject Property Address: 104 East 3rd Ave Mount Dora

Property Owner: Carillo Family Enterprises, LLC

Applicant: Rangel Builders Inc

Applicant's Mailing Address: 400 Lily Pad lane Eustis, FL 32726

Applicant's Phone Number: 352-602-8077

Applicant's Email Address: Silverback power llc 2021@gmail.com

Full Description of Proposed Alteration(s) or Construction including materials; please attach additional documentation if needed: Replace 3 existing doors (exterior), one interior door, resial windows and trim

Current Building Use (e.g. residential or commercial): Commercial

Is there currently a chimney on the building? NO

If so, will the chimney be affected? N/A

Required Documentation:

Renovations or Additions:

1. Property Record Card
2. Survey
3. Elevation drawings of each side of the building affected by the proposed work
   a. Drawings must be to scale and clearly illustrate the detail of the work proposed
   b. (2) Drawings labeled with existing and proposed
4. Materials Listing or Cut Sheet
5. Photographs of existing structure
6. $50 Application Fee

New Construction on Undeveloped Land:

1. Survey
2. Elevations of the Surrounding Structures which will be influenced by New Structure
3. Proposed Design(s) of New Structure
4. Intended Materials to be Used on Exterior of Structure
5. $100 Application Fee

Demolition Requests:

1. Please see separate application for demolition requests.
2. $100 Application Fee

PLEASE NOTE - APPLICATIONS MUST BE RECEIVED THREE WEEKS PRIOR TO THE MEETING.
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Note: This application is for a Certificate of Appropriateness from the Historic Preservation Board only. The proposed work must also meet Zoning and Building Code Requirements; additional permits may be required. Submission of the application implies permission is granted to the City of Mount Dora to inspect and document any necessary information needed to process this request.

CITY OF MOUNT DORA

BUILDING & FIRE PREVENTION CONSTRUCTION SERVICES

Building & Fire Prevention Construction Services
510 North Baker Street
Mount Dora, FL 32757
(352) 735-7115
Fax: (352) 735-7191
Email: building@cityofmountdora.com

PRODUCT APPROVAL SPECIFICATION SHEET

BFP-011

As required by Florida Statute 553.842 and Florida Administrative Code 9B-72, please provide the information and approval numbers on the building components below, if they will be utilized on the construction project for which you are applying for a building permit. We recommend you contact your local product supplier should you not know the product approval number for any of the applicable listed products. *A COPY OF THE MANUFACTURERS APPROVED INSTALLATION DOCUMENTS MUST BE AVAILABLE ONSITE FOR INSPECTION.*

Category/Subcategory	Manufacturer	Product Description	Approval Number(s)
1. EXTERIOR DOORS			
A. SWINGING	Jeld-Wen	JW23400004	FL 15474.3
~~B. SLIDING~~ Swinging	↓	JW23400005	FL 15474.3
~~C. SECTIONAL~~ Swinging		JW23400010	FL 15474.3
~~D. ROLL UP~~ Swinging			
E. AUTOMATIC			
F. OTHER Swinging	Therma-Tru	BMTT 6260463	FL 17540.
2. WINDOWS			
A. SINGLE HUNG			
B. HORIZONTAL SLIDER			
C. CASEMENT			
D. DOUBLE HUNG			
E. FIXED			
F. AWNING			
G. PASS THROUGH			
H. PROJECTED			
I. MULLION			
J. WIND BREAKER			
K. DUAL ACTION			
L. OTHER			
3. PANEL WALL			
A. SIDING			
B. SOFFITS			
C. EIFS			
D. STOREFRONT			
E. CURTAIN WALLS			
F. WALL LOUVER			
G. GLASS BLOCK			
H. MEMBRANE			
I. GREENHOUSE			
J. OTHER			
4. ROOFING PRODUCTS			
A. ASPHALT SHINGLES			
B. UNDERLAYMENTS			
C. ROOFING FASTENERS			

From:	Mary Schlifke
To:	Janiszewski, Michele
Subject:	Salty Mare 104 E. 3RD doors
Date:	Friday, January 6, 2023 7:25:49 AM
Attachments:	Scan2022-12-09_121611.pdf attachments (1).zip COA salty mare.pdf

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**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Good Morning Michele,

I hope this meets the requirements you are looking for. Please let me know if you may need any additional information.
Thank you for your time and help.

Mary
Rangel Builders, INC

Doors and placement
JELD-WEN 36-in x 80-in Steel Half Lite Right-Hand Inswing Primed Single Front Door Insulating Core **(front door for store**)
Item #782763
Model #JW234200004

JELD-WEN 32-in x 80-in Steel Half Lite Left-Hand Inswing Single Front Door Insulating Core (**front door for stairs)**
Item #782760
Model #JW234200005

JELD-WEN 32-in x 80-in Steel Half Lite Right-Hand Outswing Primed Prehung Single Front Door Insulating Core (**side door for stairs**)
Item #782758
Model #JW234200010

Therma-Tru Benchmark Doors 32-in x 80-in Fiberglass Craftsman Left-Hand Inswing Ready To Paint Single Front Door Insulating Core (**front door for apartment**)
Item #833548
Model #BMTT626463.

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2022

TO: Historic Preservation Board

FROM: Michele Janiszewski, AICP, Senior Planner

RE: **Tab 2 - Certificate of Appropriateness; 210 W 11th Ave (Location); Remove Asphalt Shingle Roof and Replace with Metal Roofing (Request); Paul P. Peters (Owner); Covenant Roofing, c/o Daniel Dufresne (Applicant).**

Property Information

Address:	210 W 11th Ave	**Current Use**	Residence
Zoning District:	R-1A	**Land Use:**	Medium Density Residential

Original Structure Information

Date of Construction:	1941	**Style:**	Frame Vernacular
Exterior Plan:	Irregular	**Foundation Type:**	Poured Concrete Footing
Siding:	Weatherboard	**Stories:**	Two
Roof:	Gable, Asphalt Shingles	**Chimney:**	One

Background on Architecture Style:

Masonry Vernacular buildings tend to be simple, largely unornamented, and constructed out of readily available materials and were first constructed by lay or self-taught carpenters to provide basic shelter without attention to architectural style. These were ordinary homes for ordinary people. The buildings reflect locally available building materials, the skills and regional background of the builder and environmental conditions. Windows and doors are symmetrically spaced on a façade to form a regular rhythm of solids and voids called "bays." Where there is more than one floor, openings are aligned from floor to floor for structural purposes. Decoration is simple and limited usually to string courses, window and door lintels, and cornices.

This style of houses' primary exterior material is typically concrete block, stucco, and brick. Roof surfaces were typically wood shingles during the 19th century; metal during the last 19th century; and composition and asbestos shingles beginning in the 1920s.

Vernacular buildings were widely constructed in Mount Dora from the l880s through the 1930s.

Guidance on Roofs:

Pursuant to the Mount Dora Historic Design Guidelines, roofs are highly visible components of historic buildings and are an integral part of a building's overall design and often help define its architectural style. Roof shapes in Mount Dora include gable, hip, flat and gambrel. Historic roofing materials include standing seam metal, pressed metal shingle, composition shingle and barrel tile.

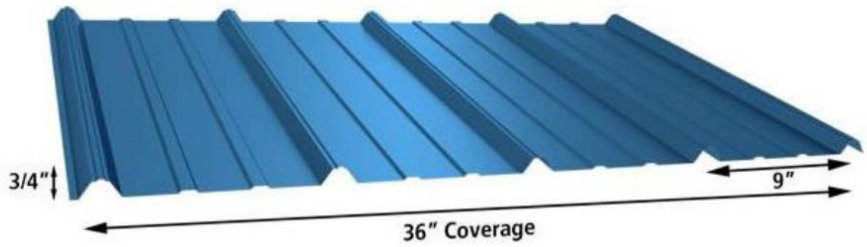
Roofs perform an essential function in keeping a building weather tight. As a result, they are particularly subject to change. In Mount Dora, the most common original roofing materials were embossed or crimped sheet metal and sawn wood shingles. Virtually all original wood shingle roofs have been removed or covered over, often with ornamental sheet metal. Such historic changes to roofs have gained a significance in their own right and should be respected under Standard 4.

Where existing roofing material is non-original and non-significant, there is greater flexibility. The existing roof may be retained, replaced in a historically accurate manner, or treated in a contemporary style in compliance with Standards 6 and 9. Even if existing surfacing is inappropriate, the replacement material must be compatible with the overall design of the building.

Staff Analysis:

The applicant is seeking to remove the existing asphalt shingles and replace it with a metal roof (Gulfrib; pictured below). Composition shingles were commonly utilized on masonry vernacular buildings in the 1920s but metal was utilized prior to the composition and asbestos shingles became popular. A metal ribbed roof is consistent and compatible with the masonry vernacular architecture style.

GulfRib		
	Profile:	3/4 in. ribs at 9 in. o.c.; 36 in. coverage
	Description:	Non-structural, through fastened roof panel
	Material:	Min. 29 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 80 ksi; Shall conform with FBC Section 1507.4.3



Staff Recommendation:

The request is consistent with Section 3.6.4 of the City's Land Development Code and adopted Historic Design Guidelines and recommends approval of the application, as presented.

Attachments:

Photos
2008 Site Form
Application

CITY OF MOUNT DORA

210 W 11th Avenue
Reroof: Asphalt shingles to metal

Northern Elevation along 11th Ave

Eastern Elevation along Alexander Street

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 LA03612
Recorder # 46
Field Date 3/15/2008
Form Date 3/15/2008
FormNo 200803
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) 210 W 11th Ave Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
210	West	11th	Avenue	

Cross Streets (nearest/ between)
City / Town (within 3 miles) Mount Dora In Current City Limits? YES
County Lake Tax Parcel #(s)
Subdivision Name Block Lot
Ownership
Name of Public Tract (e.g., park)
Route to (especially if no street address)

MAPPING

USGS 7.5' Map Name Publication Date >> EUSTIS;1980
Township: Range: Section: 1/4 section: >> 19S ;27E ;30;UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Frame Vernacular Other Style
Exterior Plan Irregular Other Exterior Plan
Number of Stories 1
Structural System(s) >> Wood frame
Other Structural System(s)
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Poured Concrete Footing
Other Foundation Material(s)
Exterior Fabric(s) >> Weatherboard
Other Exterior Fabric(s)
Roof Type(s) >> Gable
Other Roof Type(s)
Roof Material(s) >>
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >>
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

HISTORICAL STRUCTURE FORM

8LA03612

DESCRIPTION (continued)

Window Descriptions 8/8, 6/6

Main Entrance Description (stylistic details)

Porches: #open 1 #closed ____ #incised ____ Location(s)

Porch Roof Types(s)

Exterior Ornament

Interior Plan Other Interior Plan

Condition Good

Structure Surroundings

Commercial: Residential: MOSTly this category

Institutional: Undeveloped:

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe):

If archaeological remains are present, was an Archaeological Site Form completed? ____

Narrative Description (optional)

HISTORY

Construction year 1941

Architect (last name first): Builder (last name first):

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Year Use Started Year Use Ended >> Private residence;1941;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local tax records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES Name of Local Register if Eligible

Idividually Eligible for National Register? NO

Potential Contributor to NR District? YES

Area(s) of historical significance >>

Other Historical Associations

Explanation of Evaluation (required) Because the resource retains much of its historic integrity and is located in a well-preserved collection of historic buildings, it appears to contribute to a historic district.

HISTORICAL STRUCTURE FORM

8LA03612

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>>

RECORDER INFORMATION

Recorder Name (Last, First) Bland, Myles

Recorder Address / Phone 4104 St. Augustine Road Jacksonville, FL

Recorder Affiliation Bland & Associates, Inc Other Affiliation _____

Is a Text-Only Supplement File Attached (Surveyor Only)? NO

****** MASTER SITE FILE USE ONLY ******

SHPO's Evaluation of Resource

_____ Date _____

Cultural Resource Type: SS

Electronic Form Used: S110

Form Type Code: NORM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer: _____

Computer Entry Date: 5/21/2008

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

LA03612-200803

Supplementary Printout

> **USGS map name/year of publication or revision:**
EUSTIS;1980

> **Township/Range/Section/Qtr:**
19S ;27E ;30;UNSP

> **Structural system(s):**
Wood frame

> **Foundation types:**
Continuous

> **Foundation materials:**
Poured Concrete Footing

> **Exterior fabrics:**
Weatherboard

> **Roof types:**
Gable

> **Roof materials:**

> **Roof secondary structures (dormers etc):**

> **Change status/year changed/date noted/nature:**

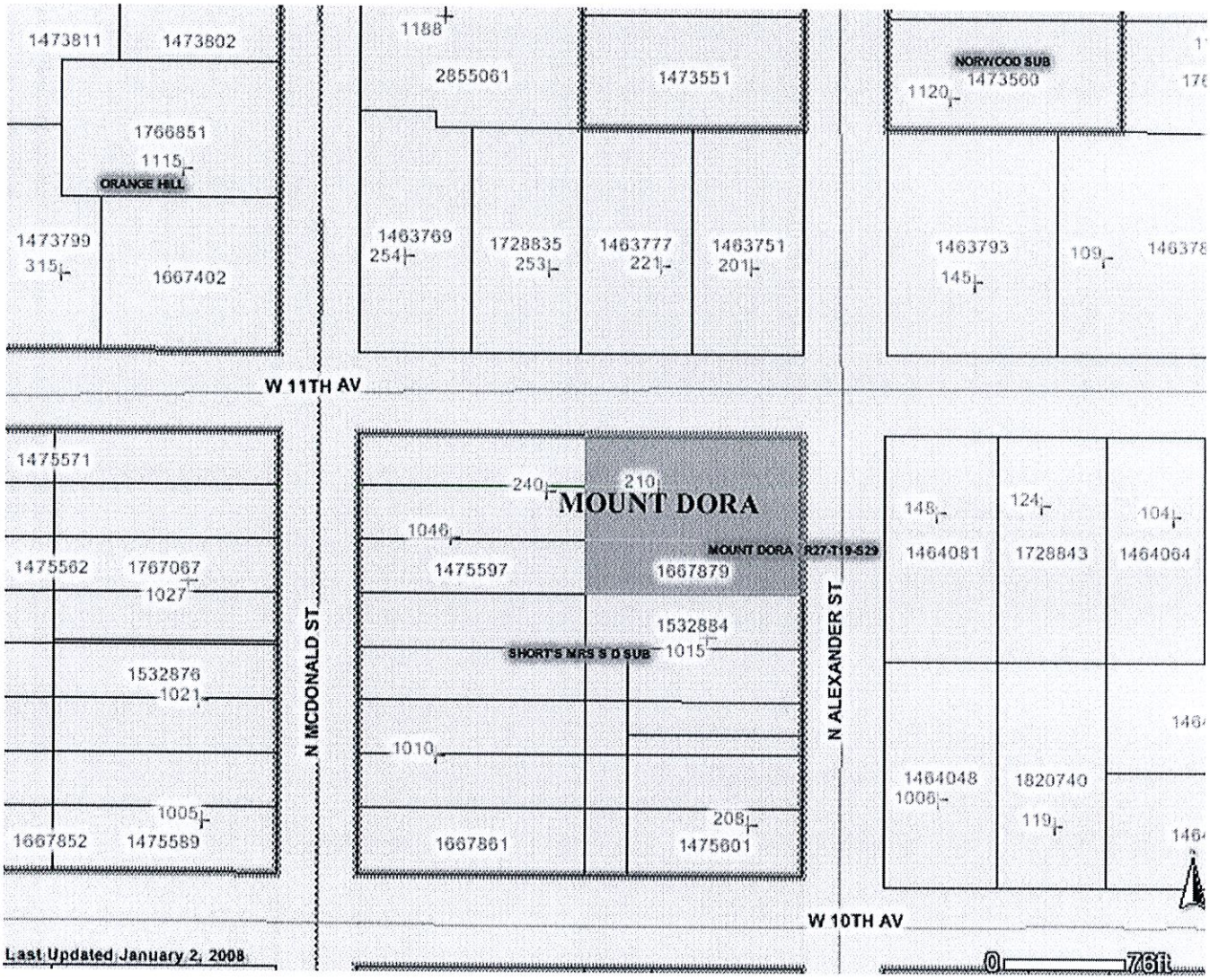
> **Original, intermediate, present uses/year started/year ended:**
Private residence;1941;

> **Research methods:**
Examine local tax records
FL Master Site File-Cultural Resources
Pedestrian

> **Area(s) of historical significance:**

> **Repositories: Collection/Housed/Accession#/Describe**

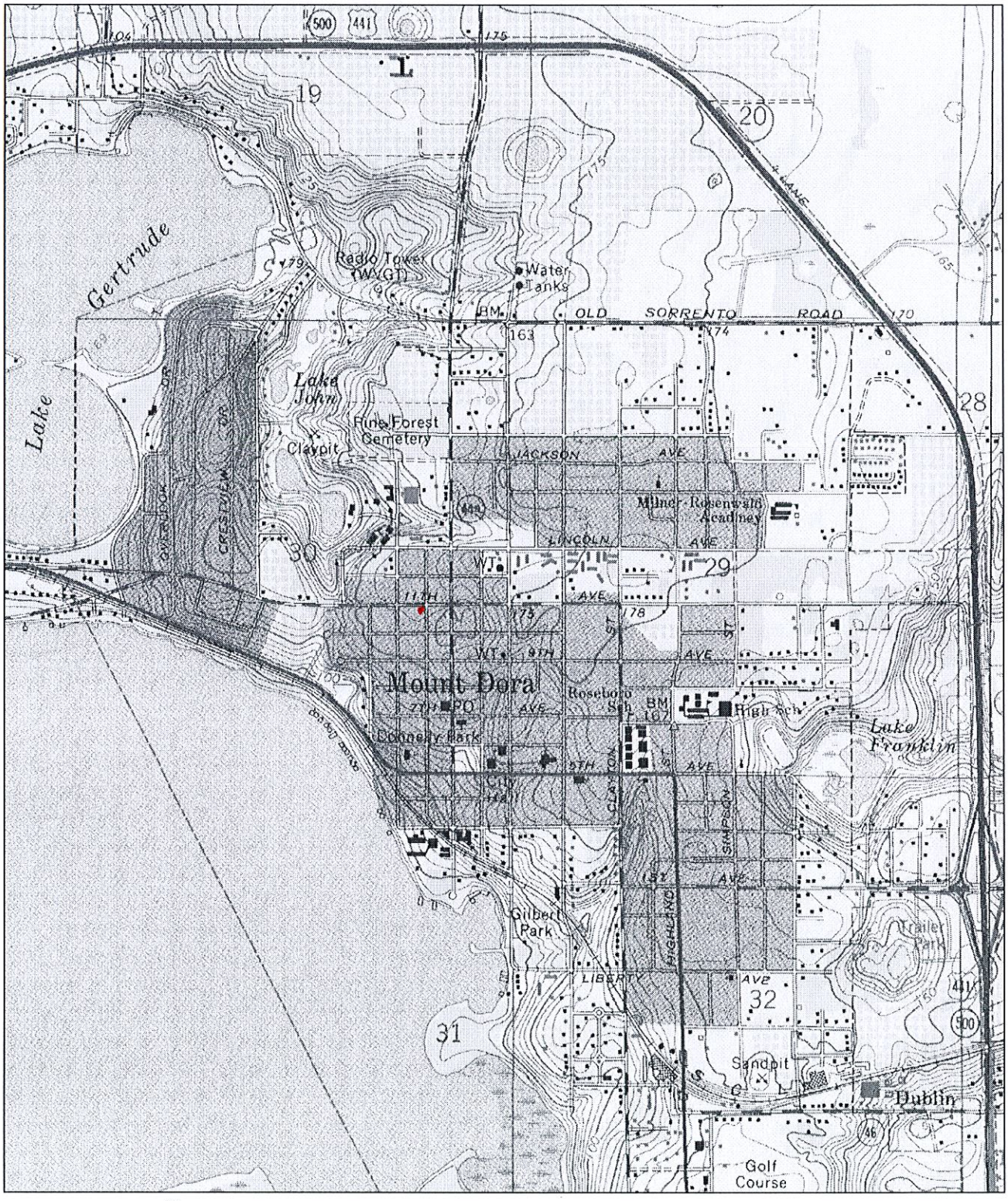
> **[Other name(s)]:**


1473811
1473802
1188
2855061
1473551
NORWOOD SUB
1473560
1120
1766851
1115
ORANGE HILL
1473799
315
1667402
1463769
254
1728835
253
1463777
221
1463751
201
1463793
145
109
W 11TH AV
1475571
240
210
MOUNT DORA
1040
MOUNT DORA R27-T19-S29
1475562
1767067
1027
1475597
1667879
1532884
SHORT'S MRS S D SUB
1015
1532876
1021
N MCDONALD ST
N ALEXANDER ST
148
124
104
1464081
1728843
1464064
1010
1464048
1006
1820740
119
1005
208
1667852
1475589
1667861
1475601
W 10TH AV
Last Updated January 2, 2008
0
76ft

RN46

LA3612

46



N

0 0.5 Mi

0 2000 Ft

Map provided by MyTopo.com

LA 3612

46

LA
3612

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
Renovations, Additions and New Construction

Property Address: 210 W. 11th Ave. Mount Dora, FL 32757 Alternate Key No.: 1667879

Property Owner: PETERS PAUL P

Applicant: Daniel Dufresne/ Covenant Roofing

Applicant's Mailing Address: 1410 Emerson Street Leesburg, FL 34748

Applicant's Phone Number: 352-314-3625

Applicant's Email Address: Felicia.LaBelle@covenantrooffl.com

Current Building Use (e.g. residential or commercial): Residential

Application Type:

- ☐ New Construction
- ☐ Addition
- ☒ Renovation

Check any structural systems or elements which will be affected by this project:

- ☐ Steps or Stairways
- ☐ Windows
- ☐ Doors
- ☐ Walls or Fences
- ☐ Foundation
- ☐ Porches or Porte Cochere
- ☐ Chimney
- ☐ Exterior Lighting
- ☐ Siding/Stucco/Façade Work
- ☐ Walls/Structural
- ☒ Roof
- ☐ Landscape Features

Existing Materials: Asphalt shingles

Proposed Materials: Metal

Is there currently a chimney on the building? No

If so, will the chimney be affected? N/A

Full Description of Proposed Alteration(s) or Construction including materials; please attach additional documentation if needed: Tear off existing shingles and install new metal roof.

Metal-Gulfcoast/Gulfrib

Note: This application is for a Certificate of Appropriateness from the Historic Preservation Board only. The proposed work must also meet Zoning and Building Code Requirements; additional permits may be required.

Submission of the application implies permission is granted to the City of Mount Dora to inspect and document any necessary information needed to process this request.

Property Record Card

General Information

Name:	PETERS PAUL P	**Alternate Key:**	1667879
Mailing Address:	210 W 11TH AVE MOUNT DORA, FL 32757-4240 *Update Mailing Address*	**Parcel Number:**	30-19-27-0700-000-03000
		Millage Group and City:	00MD Mount Dora
		2022 Total Certified Millage Rate:	18.8051
		Trash/Recycling/Water/Info:	*My Public Services Map*
Property Location:	210 W 11TH AVE MOUNT DORA FL, 32757	**Property Name:**	-- *Submit Property Name*
		School Information:	*School Locator & Bus Stop Map* *School Boundary Maps*
Property Description:	MOUNT DORA, MRS S D SHORT'S SUB LOTS 30, 31, 32 PB 2 PG 26 ORB 4693 PG 370		

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY (0100)	99	132		13068.000	FD	$0.00	$149,317.00

Click here for Zoning Info Map **FEMA Flood**

Residential Building(s)

Building 1

Residential	Building Value: $184,683.00

Summary

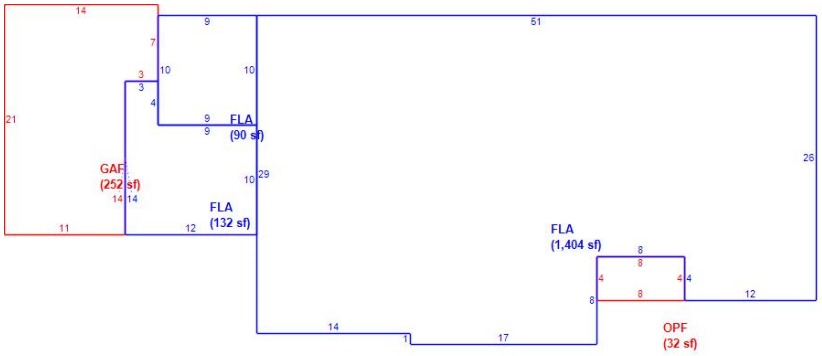
Year Built: 1941	Total Living Area: 1626	Central A/C: Yes	Attached Garage: No
Bedrooms: 4	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 0

Incorrect Bedroom, Bath, or other information?

Section(s)

Section Type	Ext. Wall Type	No. Stories	Floor Area
FINISHED LIVING AREA (FLA)	Wood (01)	1.00	1626
GARAGE FINISHED WOOD (GAF)		1.00	252
OPEN PORCH FINISHED (OPF)		1.00	32

View Larger / Print / Save



Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
1	UTILITY BLDG UNFINISHED (UBU1)	74	SF	1946	$118.00
2	POOL/COOK DECK (PLD1)	561	SF	1988	$1,312.00

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. Follow this link to search all documents by owner's name..

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
4693 / 370	09/2015	Warranty Deed	Qualified	Improved	$165,000.00
3873 / 182	02/2010	Warranty Deed	Unqualified	Improved	$99,900.00
2159 / 1186	07/2002	Warranty Deed	Qualified	Improved	$150,000.00
216 / 474	06/1962	Warranty Deed	Unqualified	Improved	$0.00

Click here to search for mortgages, liens, and other legal documents.

Values and Estimated Ad Valorem Taxes

Values shown below are 2023 WORKING VALUES that are subject to change until certified.
The Market Value listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	$335,430	$175,960	$125,960	5.0364	$634.38
SCHOOL BOARD STATE	$335,430	$175,960	$150,960	3.2500	$490.62
SCHOOL BOARD LOCAL	$335,430	$175,960	$150,960	2.9980	$452.58

LAKE COUNTY WATER AUTHORITY	$335,430	$175,960	$125,960	0.3083	$38.83
NORTH LAKE HOSPITAL DIST	$335,430	$175,960	$125,960	0.5000	$62.98
ST JOHNS RIVER FL WATER MGMT DIST	$335,430	$175,960	$125,960	0.1974	$24.86
CITY OF MOUNT DORA	$335,430	$175,960	$125,960	5.9603	$750.76
LAKE COUNTY MSTU AMBULANCE	$335,430	$175,960	$125,960	0.4629	$58.31
LAKE COUNTY VOTED DEBT SERVICE	$335,430	$175,960	$125,960	0.0918	$11.56
				Total: 18.8051	**Total:** $2,524.88

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

✓	Homestead Exemption (first exemption up to $25,000)	Learn More View the Law
✓	Additional Homestead Exemption (up to an additional $25,000)	Learn More View the Law
	Limited Income Senior Exemption (applied to county millage - up to $50,000)	Learn More View the Law
	Limited Income Senior Exemption (applied to city millage - up to $25,000)	Learn More View the Law
	Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More View the Law
	Widow / Widower Exemption (up to $5,000)	Learn More View the Law
	Blind Exemption (up to $500)	Learn More View the Law
	Disability Exemption (up to $5,000)	Learn More View the Law
	Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
	Veteran's Disability Exemption ($5,000)	Learn More View the Law
	Veteran's Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
	Veteran's Combat Related Disability Exemption (amount varies)	Learn More View the Law
	Deployed Servicemember Exemption (amount varies)	Learn More View the Law
	First Responder Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
	Surviving Spouse of First Responder Exemption (amount varies)	Learn More View the Law
	Conservation Exemption (amount varies)	Learn More View the Law
	Tangible Personal Property Exemption (up to $25,000)	Learn More View the Law
	Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More View the Law
	Economic Development Exemption	Learn More View the Law
	Government Exemption (amount varies)	Learn More View the Law

NOTE: Information on this Property Record Card is compiled and used by the Lake County Property Appraiser for the sole purpose of ad valorem property tax assessment administration in accordance with the Florida Constitution, Statutes, and Administrative Code. The Lake County Property Appraiser makes no representations or warranties regarding the completeness and accuracy of the data herein, its use or interpretation, the fee or beneficial/equitable title ownership or encumbrances of the property, and assumes no liability associated with its use or misuse. See the posted Site Notice.

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Property data updated nightly.
Site Notice

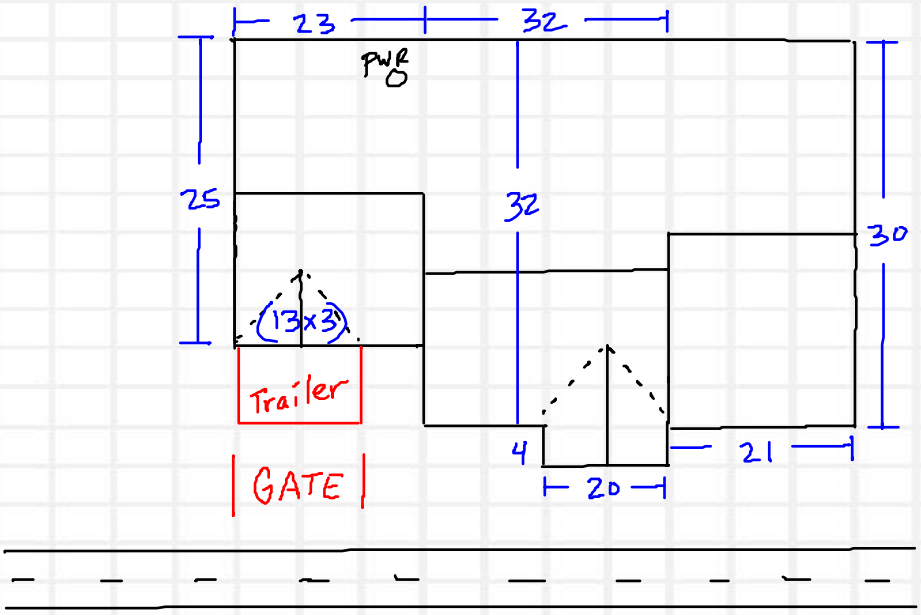
Job Sheet

Name: Paul Peters Home Phone: _____ Cell Phone: 4079681969

210 W. 11th Ave. | Mount Dora | 32757
Address | City | Zip Code

Roof Pitch: 5 Structure Type: Site Built

Type of Decking: 1 By Roof Cored (flat roof ONLY): N/A



25 Total Sqs 25 Field Sqs 0 Cap (L/F) 0 Starters 0 1 ply squares 0 2-Story

Proposed:
Type of roof : Metal Color: Nevada silver

Underlayment: High-Temp

Existing:
Tear off(Main) Shingle Layers: 1 Tear off flat _____

0 Ridge Vent(Pcs) _____ Color 0 Off-Ridge Vent _____ Color

1 1 1/2" Boot 2 2" Boot 1 3" Boot 1 GRV Large 2 GRV Small Color: Nevada silver

1 4" Boot

65 Valley Metal(Feet) 300 Eave Drip (Feet) Color: Nevada silver

Important Job Notes:
Replace zipper boot indicated.

Office Use Only: Dry In Inspection: _____ Inspection Instructions: _____

Product Approval
USER: Public User

FL #	FL33818-R2
Application Type	Revision
Code Version	2020
Application Status	Approved
Comments	
Archived	☐
Product Manufacturer	Gulf Coast Supply & Manufacturing, LLC.
Address/Phone/Email	4020 S. W. 449th Street Horseshoe Beach, FL 32648 (352) 498-0778 Ext 0565 jared.pearce@gulfcoastsupply.com
Authorized Signature	Jared Pearce jared.pearce@gulfcoastsupply.com
Technical Representative	
Address/Phone/Email	
Quality Assurance Representative	
Address/Phone/Email	
Category	Roofing
Subcategory	Metal Roofing
Compliance Method	Evaluation Report from a Florida Registered Architect or a Licensed Florida Professional Engineer ☐ Evaluation Report - Hardcopy Received
Florida Engineer or Architect Name who developed the Evaluation Report	Zachary R. Priest
Florida License	PE-74021
Quality Assurance Entity	PRI Construction Materials Technologies, LLC
Quality Assurance Contract Expiration Date	12/31/2024
Validated By	Steven M. Urich, PE ☑ Validation Checklist - Hardcopy Received
Certificate of Independence	FL33818_R2_COI_GCS20002.2a 2020 FBC Eval Metal Roofing NonHVHZ final.pdf

Referenced Standard and Year (of Standard)

Standard	Year
ASTM B 117	2016
ASTM G 155	2013
FM 4471	1992
TAS 100	1995
TAS 110	2000
TAS 125	2003
UL 1897	2012

UL 580 2006

Equivalence of Product Standards
Certified By

Sections from the Code

Product Approval Method	Method 1 Option D
Date Submitted	10/18/2021
Date Validated	10/21/2021
Date Pending FBC Approval	10/27/2021
Date Approved	12/15/2021

Summary of Products

FL #	Model, Number or Name	Description
33818.1	Metal Roofing Systems (HVHZ)	GulfLok, VersaLoc, 5V Crimp, GulfPBR and GulfRib
Limits of Use **Approved for use in HVHZ:** Yes **Approved for use outside HVHZ:** No **Impact Resistant:** N/A **Design Pressure:** +0/-164.25 **Other:** See evaluation report for limits of use.		**Installation Instructions** FL33818_R2_II_GCS20002.2b 2020 FBC Eval Metal Roofing HVHZ final.pdf Verified By: Zachary R. Priest PE-74021 Created by Independent Third Party: Yes **Evaluation Reports** FL33818_R2_AE_GCS20002.2b 2020 FBC Eval Metal Roofing HVHZ final.pdf Created by Independent Third Party: Yes
33818.2	Metal Roofing Systems (nonHVHZ)	GulfLok, GulfSeam, MegaLoc, VersaLoc, 5V Crimp, GulfPBR, GulfRib and GulfWave
Limits of Use **Approved for use in HVHZ:** No **Approved for use outside HVHZ:** Yes **Impact Resistant:** N/A **Design Pressure:** +0/-164.25 **Other:** See evaluation report for limits of use.		**Installation Instructions** FL33818_R2_II_GCS20002.2a 2020 FBC Eval Metal Roofing NonHVHZ final.pdf Verified By: Zachary R. Priest PE-74021 Created by Independent Third Party: Yes **Evaluation Reports** FL33818_R2_AE_GCS20002.2a 2020 FBC Eval Metal Roofing NonHVHZ final.pdf Created by Independent Third Party: Yes

Back Next

Contact Us :: 2601 Blair Stone Road, Tallahassee FL 32399 Phone: 850-487-1824

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Product Approval Accepts:

CREEK
TECHNICAL SERVICES, LLC

Registry No. 29824
17520 Edinburgh Dr
Tampa, FL 33647
(813) 480-3421

EVALUATION REPORT

FLORIDA BUILDING CODE, 7TH EDITION (2020)

Issued October 21, 2021

Manufacturer: GULF COAST SUPPLY & MANUFACTURING, LLC
14429 SW 2nd Place, Suite G30
Newberry, FL 32669
(352) 498-7852
www.gulfcoastsupply.com

Manufacturing Locations: Alachua, FL
Sebring, FL
Montgomery, AL

Quality Assurance: PRI Construction Materials Technologies, LLC (QUA9110)

SCOPE

Category: Roofing
Subcategory: Metal Roofing
Code Edition: Florida Building Code, 7th Edition (2020) High-Velocity Hurricane Zones (HVHZ)
Code Sections: 1518.9.1, 1523.1.1, 1523.6.5, 1523.6.5.2.4, 1523.6.5.2.4.1
Properties: Wind Resistance

REFERENCES

Entity	Report No.	Standard	Year
Architectural Testing, Inc. (TST1527)	B9000.01-450-18	TAS 125	2003
Farabaugh Engineering & Testing, Inc. (TST1654)	T126-07	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T128-07	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T129-07	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T130-07	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T132-07	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T215-08	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T270-08	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T271-08	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T272-08	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T273-08	TAS 100	1995
Farabaugh Engineering & Testing, Inc. (TST1654)	T356-10	TAS 100	1995
Force Engineering & Testing (TST5328)	72-0313T-06A-C	TAS 125	2003
Force Engineering & Testing (TST5328)	72-0198T-07A-C	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0062T-07A-C	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0062T-07D-F	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0062T-07G-I	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0062T-07J-L	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0065T-07A-C	TAS 125	2003
Force Engineering & Testing (TST5328)	117-0238T-09D	FM 4471	1992
Force Engineering & Testing (TST5328)	117-0238T-09E	FM 4471	1992
Force Engineering & Testing (TST5328)	117-0238T-11A	FM 4471	1992
Force Engineering & Testing (TST5328)	117-0378T-11A	FM 4471	1992
Force Engineering & Testing (TST5328)	117-0378T-11B	FM 4471	1992
Force Engineering & Testing (TST5328)	117-0378T-11C	FM 4471	1992
PRI Construction Materials Technologies (TST5878)	HTL-018-02-01	TAS 100	1995
PRI Construction Materials Technologies (TST5878)	1272T0002	ASTM B 117	2016
		TAS 110	2000
PRI Construction Materials Technologies (TST5878)	1272T0003	ASTM B 117	2016
		TAS 110	2000
PRI Construction Materials Technologies (TST5878)	1272T0005	ASTM G 155	2013
		TAS 110	2000
PRI Construction Materials Technologies (TST5878)	1272T0006	ASTM G 155	2013
		TAS 110	2000

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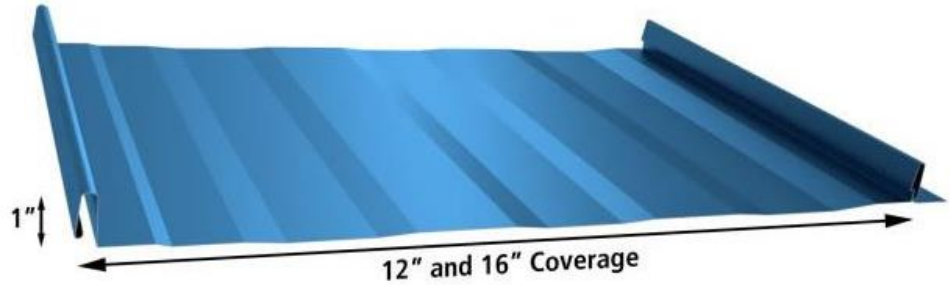
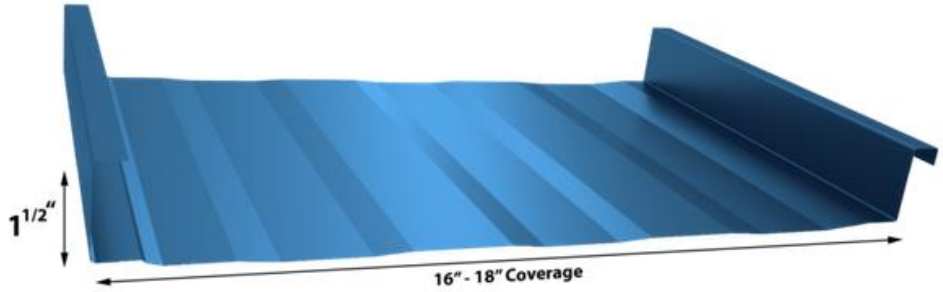
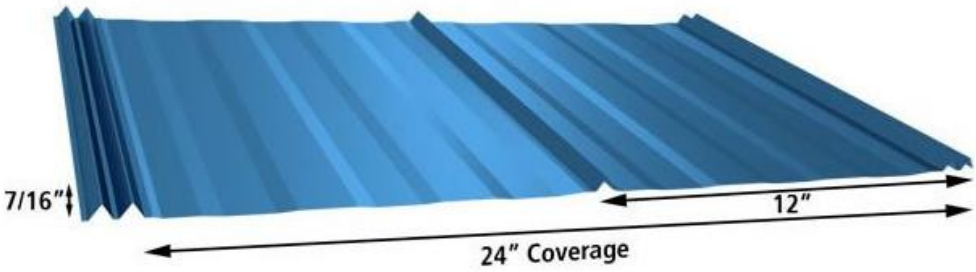
PRODUCT DESCRIPTION

GulfLok	**Profile:**	1 in. snap lock seam; Max.16 in. coverage
	Description:	Non-structural, snap lock standing seam roof panel with 7/8 in. slotted nail strip
	Material:	Min. 26 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 50 ksi; Shall conform with FBC Section 1507.4.3
		
VersaLoc	**Profile:**	1.5 in. mechanical seam; Max. 18 in. coverage
	Description:	Non-structural, mechanical lock 180º standing seam roof panel
	Material:	Min. 24 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 50 ksi; Shall conform with FBC Section 1507.4.3
		
5V Crimp	**Profile:**	7/16 in. ribs at 12 in. o.c.; 24 in. coverage
	Description:	Non-structural, through fastened roof panel
	Material:	Min. 26 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 50 ksi; Shall conform with FBC Section 1507.4.3
		Min. 0.032 in. ASTM B209, 3105 H24 aluminum; Optional Florupon® paint finish; F_y = min. 25 ksi; Shall conform with FBC Section 1507.4.3
		

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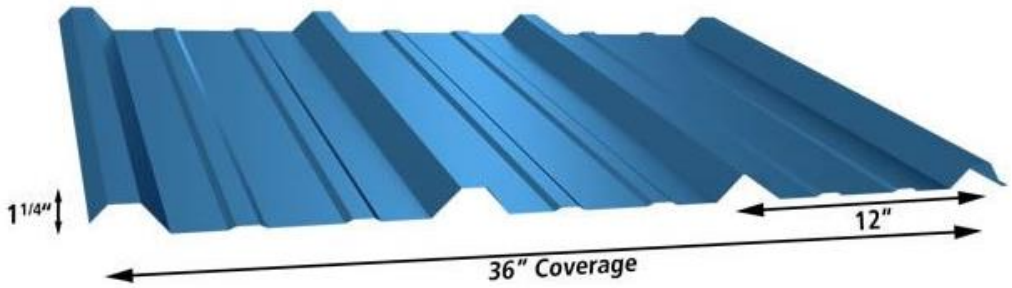
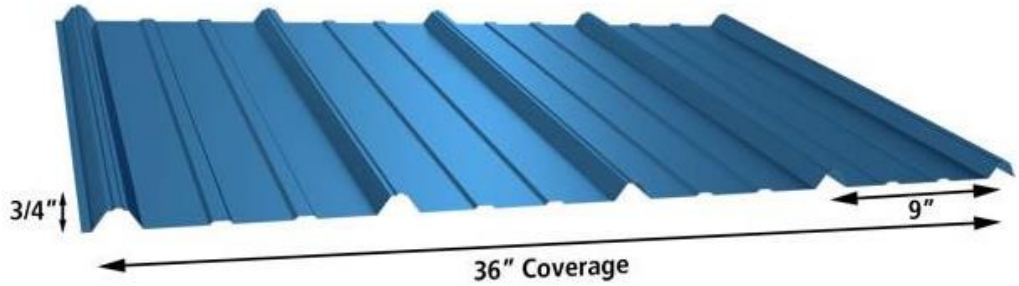
GulfPBR	**Profile:**	1 1/4 in. ribs at 12 in. o.c.; 36 in. coverage
	Description:	Non-structural, through fastened roof panel
	Material:	Min. 26 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 80 ksi; Shall conform with FBC Section 1507.4.3
		
GulfRib	**Profile:**	3/4 in. ribs at 9 in. o.c.; 36 in. coverage
	Description:	Non-structural, through fastened roof panel
	Material:	Min. 29 ga. ASTM A792 AZ50 coated with Florupon® or ASTM A653 G90; F_y = min. 80 ksi; Shall conform with FBC Section 1507.4.3
		

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LIMITATIONS

1. Fire classification is not within the scope of this evaluation.
2. The roof deck and the roof deck attachment information are provided based on testing. FBC requirements for the rational design of the roof deck, including the attachment, are not within the scope of this evaluation.
3. Roof slope shall be 2:12 or greater.
4. Reroofing shall be in accordance with Section 1521.
5. Installation of the evaluated products shall comply with this report, RAS 133, and the manufacturer's published application instructions. Where discrepancies exist between these sources, the more restrictive and FBC compliant installation detail shall prevail.
6. All products listed in this report shall be manufactured under a quality assurance program in compliance with Rule 61G20-3.

COMPLIANCE STATEMENT

The products evaluated herein by Zachary R. Priest, P.E. have demonstrated compliance with the Florida Building Code, 7th Edition (2020) High-Velocity Hurricane Zones (HVHZ) as evidenced in the referenced documents submitted by the named manufacturer.

This item has been digitally signed and sealed by Zachary R. Priest, PE, on 10/21/2021.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Zachary R. Priest, P.E.
Florida Registration No. 74021
Organization No. ANE9641

CERTIFICATION OF INDEPENDENCE

CREEK Technical Services, LLC does not have, nor will it acquire, a financial interest in any company manufacturing or distributing products under this evaluation.

CREEK Technical Services, LLC is not owned, operated, or controlled by any company manufacturing or distributing products under this evaluation.

Zachary R. Priest, P.E. does not have, nor will acquire, a financial interest in any company manufacturing or distributing products under this evaluation.

Zachary R. Priest, P.E. does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.

APPENDICES

1) APPENDIX A – Installation (3 pages)
2) APPENDIX B – Approved Roof Systems (4 pages)
3) APPENDIX C – Design Wind Loads (3 pages)

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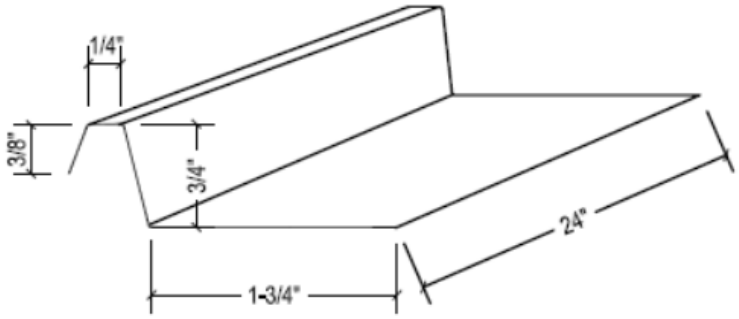
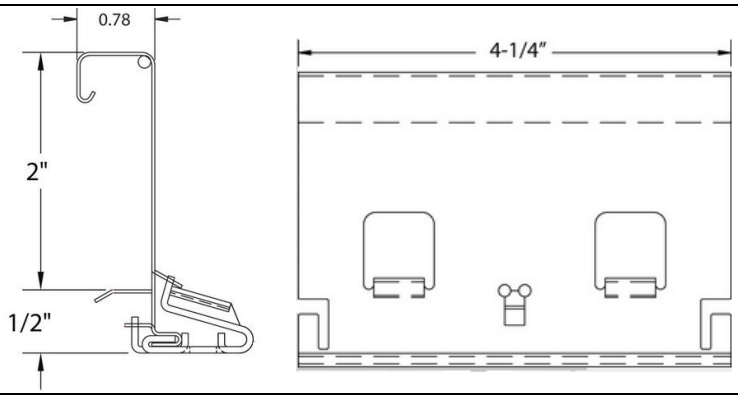
INSTALLATION

Note - Refer to the ***APPROVED ROOF SYSTEMS*** *section of this report for specific installation details of a selected system.*

Unless otherwise specified in this report the following installation details shall be met for the named products:

Component	Product	Installation Detail
Fasteners	#9-15 HWH wood screw with sealing washer	Shall penetrate through the sheathing a minimum 3/8 in. Shall be corrosion resistant in accordance with FBC section 1507.4.4.
	#9-15 HWH WoodZAC screw	
	#10-12 Pancake Type A screw	
	#12-11 Pancake Type A screw	
	1/4-14 HWH ZAC Impax Lap screw	Installed at panel side lap; Shall be corrosion resistant in accordance with FBC section 1507.4.4.
Clips	GulfLok Clip	24 ga. in-seam clip 
	NC-33003-3 Sliding Clip	
Sealants	TiteBond Weathermaster Metal Roof Sealant	Shall be applied in 1/4"- 5/16" continuous beads on the male rib along the seam

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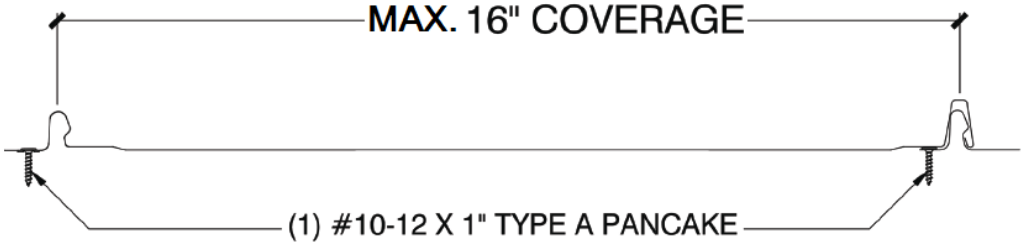
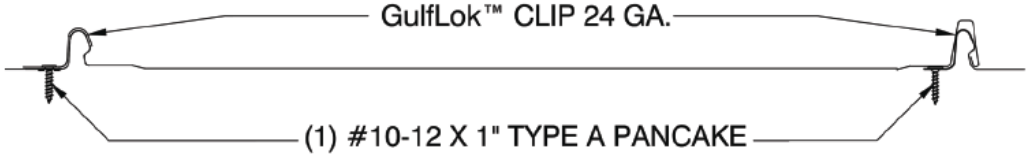
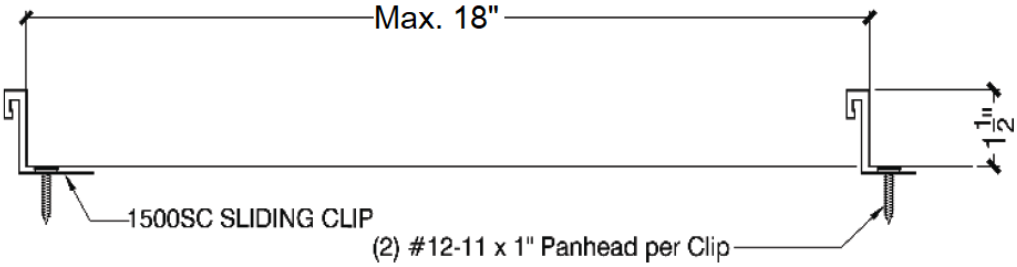
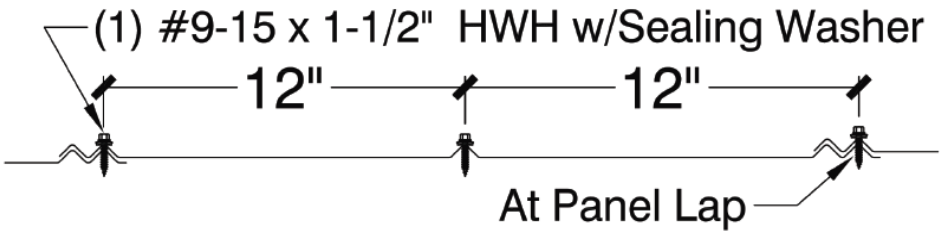
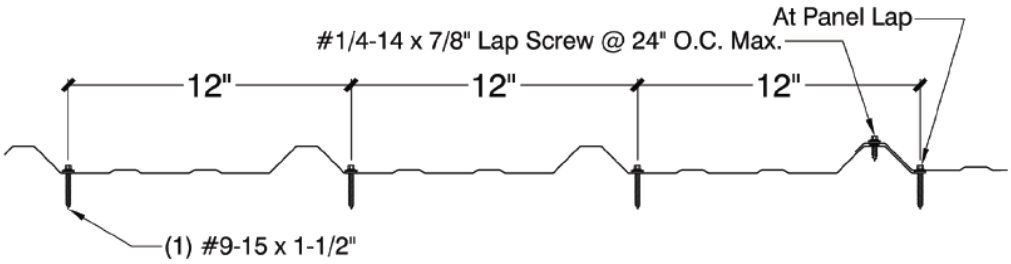
Fastening Details	
Nomenclature	Attachment
GulfLok Type 1	
GulfLok Type 2	
VersaLoc Type 1	
5V Type 1	
GulfPBR Type 1	

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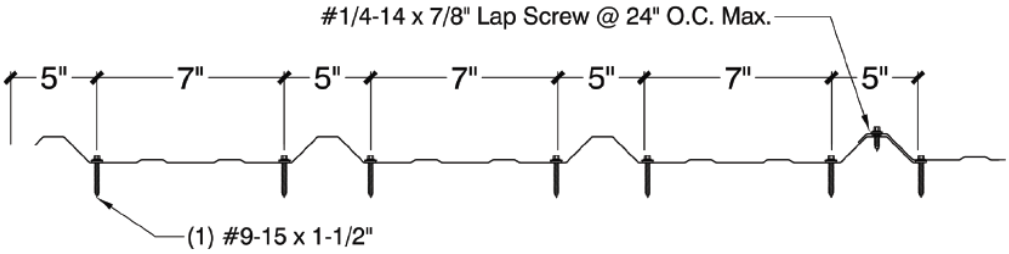
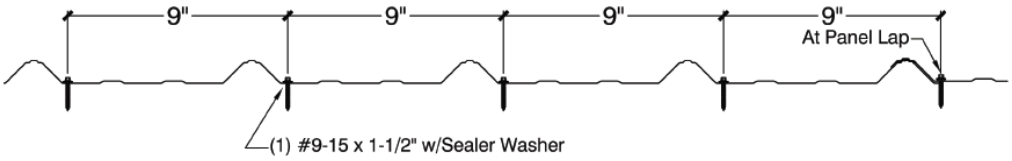
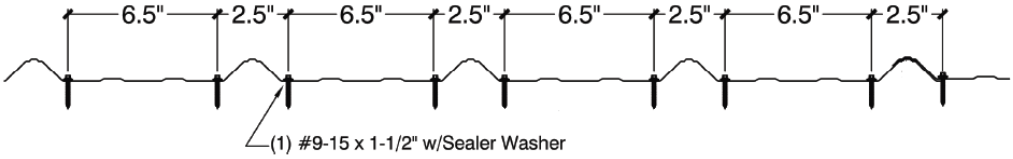
APPENDIX A

Fastening Details	
Nomenclature	Attachment
GulfPBR Type 2	
GulfRib Type 1	
GulfRib Type 2	

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APPROVED ROOF SYSTEMS

The following notes shall be observed when using the assembly tables below.

1. Maximum Design Pressure (*MDP*) was calculated using a 2:1 margin of safety per FBC Section 1523.4.
2. Refer to **LIMITATIONS** and sections of this evaluation when using the table(s) below.
3. Refer to **INSTALLATION** section of this report for installation detail when the information is not explicitly stated for the selected assembly.
4. The on-center (o.c.) spacing given is the maximum allowable attachment spacing for the rated system.
5. Underlayment shall be installed in accordance with FBC requirements. The minimum underlayment shall be ASTM D 226, Type II installed as described in FBC Section 1518.2.1 with nails and tin caps per 1517.5.
6. Steel Deck shall be designed by others in accordance with FBC requirements and shall be minimum 22 ga (F_y = min.40 ksi) Wide Rib Deck (Type WR) conforming to ANSI/SDI-RD1.0 & FBC. In no case shall the panels be installed on less than two continuous spans, which are spaced a maximum 5-ft o.c. At minimum, the deck shall be attached with one (1) #12 x 1.5-inch HWH self-drilling screws at the bottom of each flute (maximum. 6-inch o.c. along the support). At minimum, the deck side laps shall be fastened a maximum 6-inch o.c. with #12 x 1.5-inch HWH self-drilling screws.
7. Wood Deck shall be designed by others in accordance with FBC requirements and shall be minimum 19/32-inch thick APA Span-Rated plywood sheathing or wood plank at maximum 24-inch span for new construction. Existing construction shall be the minimum plywood sheathing or wood plank thickness at maximum 24-inch span as stated in the approval tables on following pages. In no case shall the attachment be less than 8d ring shank nails spaced 6-inch o.c.

Roof System Numbers and Definitions	
LOK-W#	GulfLok over Wood Deck (New or Existing)
VL-W#	1.5" VersaLoc over Wood Deck (new or Existing)
5V-W#	5V Crimp over Wood Deck (New or Existing)
PBR-W#	GulfPBR over Wood Deck (New or Existing)
RIB-W#	GulfRib over Wood Deck (New or Existing)

Approved Systems for GulfLok over Wood Deck (New or Existing)

System No.	Deck	Fire Barrier	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
LOK-W-1	Min. 15/32 CDX plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfLok Max. 16-inch coverage	*GulfLok Type 1* attachment with #10-12 x 1" Pancake Type A screws spaced 5-3/16 in. o.c. Titebond Weathermaster Metal Roof Sealant applied to male rib.	**-121.75**
LOK-W-2	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	26 ga., Grade 80 GulfLok Max. 16-inch coverage	*GulfLok Type 1* attachment #10-12 x 1" Pancake Type A screws spaced 5-3/16 in. o.c	**-63.5**
LOK-W-3	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	26 ga., Grade 80 GulfLok Max. 16-inch coverage	*GulfLok Type 2* attachment with #10-12 x 1" Pancake Type A screws through clip and spaced 5-3/16 in. o.c.	**-161**

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Approved Systems for VersaLoc over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
VL-W-1	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 24 ga. VersaLoc Max. 16-inch coverage	*VersaLoc Type 1* attachment with clips spaced 24 in. o.c.	**-59.75**
VL-W-2	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 24 ga. VersaLoc Max. 16-inch coverage	*VersaLoc Type 1* attachment with clips spaced 6 in. o.c.	**-123.5**

Approved Systems for 5V Crimp over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier/ Insulation	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
5V-W-1	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. 5V Crimp 24-inch coverage	*5V Crimp Type 1* attachment with #9-15 HWH wood screws with sealing washers spaced 12 in. o.c.	**-108.5**
5V-W-2	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. 5V Crimp 24-inch coverage	*5V Crimp Type 1* attachment with #9-15 HWH wood screws with sealing washers spaced 6 in. o.c.	**-156.5**

Approved Systems for GulfPBR over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier/ Insulation	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
PBR-W-1	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfPBR 36-inch coverage	*GulfPBR Type 1* attachment with #9-15 15 HWH WoodZAC screws spaced 24 in. o.c. Laps fastened with 1/4-14 x 7/8" HWH ZAC Impax Lap screws spaced 24 in. o.c.	**-60.5**

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Approved Systems for GulfPBR over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier/ Insulation	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
PBR-W-2	Min. 1x4 No. 2 SYP wood purlins spaced 24 in. o.c. over Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfPBR 36-inch coverage	*GulfPBR Type 1* attachment with #9-15 HWH WoodZAC screws spaced 24 in. o.c. into wood purlins Laps fastened with 1/4-14 x 7/8 ZAC Impax Lap screws spaced 24 in. o.c.	**-100.5**
PBR-W-3	Min. 1x4 No. 2 SYP wood purlins spaced 12 in. o.c. over Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfPBR 36-inch coverage	*GulfPBR Type 2* attachment with #9-15 15 HWH WoodZAC screws spaced 12 in. o.c. into wood purlins Laps fastened with 1/4-14 x 7/8" HWH ZAC Impax Lap screws spaced 24 in. o.c.	**-151.75**
PBR-W-4	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfPBR 36-inch coverage	*GulfPBR Type 2* attachment with #9-15 HWH WoodZAC screws spaced 12 in. o.c. Laps fastened with 1/4-14 x 7/8" HWH ZAC Impax Lap screws spaced 24 in. o.c.	**-154.75**

Approved Systems for GulfRib over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier/ Insulation	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
RIB-W-1	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 29 ga. GulfRib 36-inch coverage	*GulfRib Type 1* attachment with # with #9-15 HWH WoodZAC screws spaced 24 in. o.c	**-71.75**
RIB-W-2	Min. 1x4 No. 2 SYP wood purlins spaced 24 in. o.c. over Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfRib 36-inch coverage	*GulfRib Type 1* attachment with #9-15 HWH WoodZAC screws spaced 24 in. o.c. into wood purlins	**-106.75**

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APPENDIX B

Approved Systems for GulfRib over Wood Deck (New or Existing)						
System No.	Deck	Fire Barrier/ Insulation	Underlayment	Roof Panel	Panel Attachment	*MDP* (psf)
RIB-W-3	Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfRib 36-inch coverage	*GulfRib Type2* attachment with #9-15 HWH WoodZAC screws spaced 12 in. o.c.	**-159.25**
RIB-W-4	Min. 1x4 No. 2 SYP wood purlins spaced 12 in. o.c. over Min. 15/32 B-C plywood	OPTIONAL *Approved* fire barrier or insulation	As required per FBC	Min. 26 ga. GulfRib 36-inch coverage	*GulfRib Type 1* attachment with #9-15 HWH WoodZAC screws spaced 12 in. o.c. into wood purlins	**-164.25**

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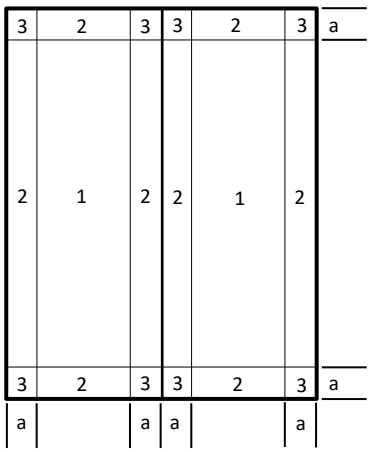
DESIGN WIND LOADS

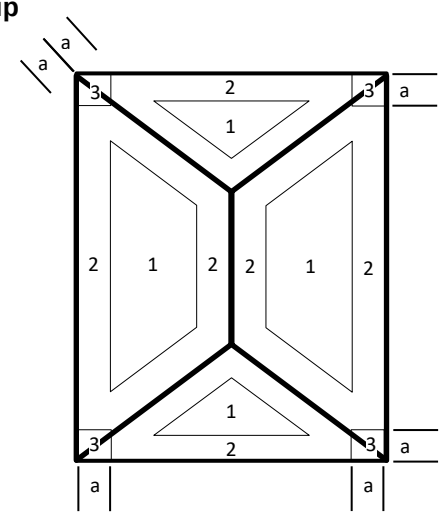
The following tables provide design wind loads for components and cladding in accordance with Section 1620 of the FBC and ASCE 7-16 under the following provisions:

1. Wind speeds for risk category I, II, III, and IV buildings shall be as defined in Section 1620 of the FBC.
2. Exposure C and D shall be as defined in section 1620 of the FBC.
3. Design wind load provided only for gable/hip roofs with roof slopes between 2:12 and 6.1:12
4. All calculations are based on an effective wind area of 10-ft^2 or less.
5. Topographic factors such as escarpments or hills have been excluded from the analysis
6. Overhangs have been excluded from the analysis.
7. Wind directionality factor, $K_d = 0.85$
8. Design wind loads are calculated using $P_{asd} = 0.6P_{ult}$.
9. Zone 2 is inclusive of Zone 2e, Zone 2n, and Zone 2r
10. Zone 3 is inclusive of Zone 3e and Zone 3r
11. Projects with mean roof heights greater than 60-ft shall be evaluated by a licensed design professional
12. Zones 1, 2, and 3 shall be defined as shown below. Dimension "a" shall be 10% of the least horizontal dimension or (0.4 x *Mean Roof Height)*, whichever is smaller, but not less than either 4% of the least horizontal dimension or 3ft

Gable



Hip



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Gable/Hip Roofs in **Exposure C in Miami-Dade & Broward County** (Roof slopes between 2:12 and 12:12)								
Building Type	Zone	Mean Roof Height (ft)	Basic Wind Speed (mph)					
			Risk Cat I	Risk Cat I	Risk Cat II	Risk Cat II	Risk Cat III, IV	Risk Cat III,IV
			156	165	170	175	180	186
Enclosed/ Partially Open	1	20	-62.3	-69.7	-74.0	-78.5	-83.0	-88.6
		25	-65.1	-72.8	-77.3	-81.9	-86.7	-92.6
		30	-67.9	-75.9	-80.6	-85.4	-90.4	-96.5
		40	-72.0	-80.6	-85.6	-90.7	-95.9	-102.4
		50	-75.5	-84.5	-89.7	-95.0	-100.5	-107.3
		60	-78.3	-87.6	-93.0	-98.5	-104.2	-111.3
	2	20	-90.9	-101.7	-108.0	-114.4	-121.1	-129.3
		25	-95.0	-106.3	-112.8	-119.5	-126.5	-135.0
		30	-99.0	-110.8	-117.6	-124.6	-131.8	-140.8
		40	-105.1	-117.6	-124.8	-132.2	-139.9	-149.4
		50	-110.1	-123.2	-130.8	-138.6	-146.6	-156.6
		60	-114.2	-127.7	-135.6	-143.7	-152.0	-162.3
	3	20	-108.1	-120.9	-128.4	-136.0	-143.9	-153.7
		25	-112.9	-126.3	-134.1	-142.1	-150.3	-160.5
		30	-117.7	-131.7	-139.8	-148.1	-156.7	-167.3
		40	-124.9	-139.7	-148.3	-157.2	-166.3	-177.6
		50	-130.9	-146.5	-155.5	-164.7	-174.3	-186.1
		60	-135.7	-151.8	-161.2	-170.8	-180.7	-192.9
Partially Enclosed	1	20	-72.9	-81.6	-86.6	-91.8	-97.1	-103.7
		25	-76.2	-85.2	-90.4	-95.8	-101.4	-108.3
		30	-79.4	-88.8	-94.3	-99.9	-105.7	-112.9
		40	-84.3	-94.3	-100.1	-106.0	-112.2	-119.8
		50	-88.3	-98.8	-104.9	-111.1	-117.6	-125.5
		60	-91.6	-102.4	-108.7	-115.2	-121.9	-130.2
	2	20	-101.5	-113.6	-120.6	-127.8	-135.2	-144.3
		25	-106.0	-118.6	-125.9	-133.4	-141.2	-150.7
		30	-110.5	-123.7	-131.3	-139.1	-147.2	-157.1
		40	-117.3	-131.2	-139.3	-147.6	-156.2	-166.8
		50	-123.0	-137.5	-146.0	-154.7	-163.7	-174.8
		60	-127.5	-142.6	-151.4	-160.4	-169.7	-181.2
	3	20	-118.7	-132.8	-140.9	-149.3	-158.0	-168.7
		25	-124.0	-138.7	-147.2	-156.0	-165.0	-176.2
		30	-129.2	-144.6	-153.5	-162.6	-172.0	-183.7
		40	-137.1	-153.4	-162.9	-172.6	-182.6	-195.0
		50	-143.7	-160.8	-170.7	-180.9	-191.4	-204.3
		60	-149.0	-166.7	-177.0	-187.5	-198.4	-211.8

This evaluation report is provided for State of Florida product approval under Rule 61G20-3. The manufacturer shall notify CREEK Technical Services, LLC of any product changes or quality assurance changes throughout the duration for which this report is valid. This evaluation report does not express nor imply warranty, installation, recommended use, or other product attributes that are not specifically addressed herein.

APPENDIX C

Gable/Hip Roofs in **Exposure D in Miami-Dade & Broward County** (Roof slopes between 2:12 and 12:12)								
Building Type	Zone	Mean Roof Height (ft)	Basic Wind Speed (mph)					
			Risk Cat I	Risk Cat I	Risk Cat II	Risk Cat II	Risk Cat III, IV	Risk Cat III,IV
			156	165	170	175	180	186
Enclosed/ Partially Open	1	20	-74.8	-83.7	-88.8	-94.1	-99.6	-106.3
		25	-77.6	-86.8	-92.1	-97.6	-103.3	-110.3
		30	-80.4	-89.9	-95.4	-101.1	-107.0	-114.2
		40	-84.5	-94.5	-100.4	-106.3	-112.5	-120.1
		50	-88.0	-98.4	-104.5	-110.7	-117.1	-125.1
		60	-90.7	-101.5	-107.8	-114.2	-120.8	-129.0
	2	20	-109.1	-122.1	-129.6	-137.3	-145.3	-155.1
		25	-113.2	-126.6	-134.4	-142.4	-150.7	-160.9
		30	-117.2	-131.1	-139.2	-147.5	-156.0	-166.6
		40	-123.3	-137.9	-146.4	-155.1	-164.1	-175.2
		50	-128.3	-143.6	-152.4	-161.5	-170.8	-182.4
		60	-132.4	-148.1	-157.2	-166.6	-176.2	-188.2
	3	20	-129.7	-145.1	-154.0	-163.2	-172.7	-184.4
		25	-134.5	-150.5	-159.7	-169.3	-179.1	-191.2
		30	-139.3	-155.9	-165.4	-175.3	-185.5	-198.1
		40	-146.5	-163.9	-174.0	-184.4	-195.1	-208.3
		50	-152.5	-170.6	-181.1	-192.0	-203.1	-216.8
		60	-157.3	-176.0	-186.8	-198.0	-209.5	-223.7
Partially Enclosed	1	20	-87.5	-97.9	-103.9	-110.1	-116.5	-124.4
		25	-90.7	-101.5	-107.8	-114.2	-120.8	-129.0
		30	-94.0	-105.1	-111.6	-118.3	-125.1	-133.6
		40	-98.8	-110.6	-117.4	-124.4	-131.6	-140.5
		50	-102.9	-115.1	-122.2	-129.5	-137.0	-146.3
		60	-106.1	-118.7	-126.0	-133.6	-141.3	-150.9
	2	20	-121.8	-136.3	-144.7	-153.3	-162.2	-173.2
		25	-126.3	-141.3	-150.0	-159.0	-168.2	-179.6
		30	-130.8	-146.4	-155.4	-164.7	-174.2	-186.0
		40	-137.6	-154.0	-163.4	-173.2	-183.2	-195.6
		50	-143.3	-160.3	-170.1	-180.3	-190.7	-203.6
		60	-147.8	-165.3	-175.5	-186.0	-196.7	-210.1
	3	20	-142.4	-159.3	-169.1	-179.2	-189.6	-202.5
		25	-147.7	-165.2	-175.4	-185.8	-196.6	-210.0
		30	-153.0	-171.1	-181.6	-192.5	-203.6	-217.4
		40	-160.9	-180.0	-191.0	-202.4	-214.2	-228.7
		50	-167.5	-187.3	-198.9	-210.7	-223.0	-238.1
		60	-172.7	-193.2	-205.1	-217.4	-230.0	-245.6

This evaluation report is provided for State of Florida product approval under Rule 61G20-3. The manufacturer shall notify CREEK Technical Services, LLC of any product changes or quality assurance changes throughout the duration for which this report is valid. This evaluation report does not express nor imply warranty, installation, recommended use, or other product attributes that are not specifically addressed herein.

FL #	FL14317-R13
Application Type	Editorial Change
Code Version	2020
Application Status	Approved
Comments	
Archived	☐
Product Manufacturer	Westlake Royal Roofing LLC, Newpoint (formerly Boral)
Address/Phone/Email	7575 Irvine Ctr Dr Ste 100 Irvine, CA 92618 (801) 380-6091 RobinAnderson@Westlake.net
Authorized Signature	Anderson Robin RobinAnderson@Westlake.net
Technical Representative	Robin Anderson
Address/Phone/Email	10701 So. River Front Parkway Suite 300 So. Jordan, UT 84095 (801) 380-6091 robinanderson@boral.com
Quality Assurance Representative	
Address/Phone/Email	
Category	Roofing
Subcategory	Underlayments
Compliance Method	Evaluation Report from a Florida Registered Architect or a Licensed Florida Professional Engineer ☐ Evaluation Report - Hardcopy Received
Florida Engineer or Architect Name who developed the Evaluation Report	Robert Nieminen
Florida License	PE-59166
Quality Assurance Entity	PRI Construction Materials Technologies, LLC
Quality Assurance Contract Expiration Date	12/31/2029
Validated By	John W. Knezevich, PE ☑ Validation Checklist - Hardcopy Received
Certificate of Independence	FL14317_R13_COI_2022_01_COI_NIEMINEN.pdf

Referenced Standard and Year (of Standard)

Standard	Year
ASTM D1970	2015
FRSA/TRI, Sixth Edition	2018
TAS 103	2020
UL 1897	2015

Equivalence of Product Standards Certified By

Sections from the Code

Product Approval Method	Method 1 Option D
Date Submitted	04/14/2022
Date Validated	05/06/2022
Date Pending FBC Approval	05/16/2022
Date Approved	08/09/2022

Summary of Products

FL #	Model, Number or Name	Description
14317.1	Westlake Royal Roof Underlayments	Roof underlayments for use in prepared roof assemblies in FBC non-HVHZ jurisdictions
Limits of Use **Approved for use in HVHZ:** No **Approved for use outside HVHZ:** Yes **Impact Resistant:** N/A **Design Pressure:** +N/A/-210 **Other:** 1.) Refer to ER Section 5 for Limits of Use. 2.) Refer to ER Section 5.8 for commentary on design pressure limitations.		**Installation Instructions** FL14317_R13_II_2022_05_05_FINAL_ER_WESTLAKE ROYAL_FL14317-R13.pdf Verified By: Robert Nieminen PE-59166 Created by Independent Third Party: Yes **Evaluation Reports** FL14317_R13_AE_2022_05_05_FINAL_ER_WESTLAKE ROYAL_FL14317-R13.pdf Created by Independent Third Party: Yes

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Product Approval Accepts:

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Oxford, CT 06478
(203) 262-9245

ENGINEER **EVALUATE** **TEST** **CONSULT**

EVALUATION REPORT BY FLORIDA P.E.

Westlake Royal Roofing, LLC
7575 Irvine Center Drive, Suite 100
Irvine, CA. 92618
(801) 380-6091

Evaluation Report M35710.12.10-R16
FL14317-R13
Date of Issuance: 12/21/2010
Revision 16: 05/05/2022

SCOPE:
This Evaluation Report is issued under **Rule 61G20-3** and the applicable rules and regulations governing the use of construction materials in the State of Florida. The documentation submitted has been reviewed by Robert Nieminen, P.E. for use of the product under the Florida Building Code. The products described herein have been evaluated for compliance with the **7th Edition (2020) Florida Building Code** sections noted herein.

DESCRIPTION: Westlake Royal Roof Underlayments for use in FBC non-HVHZ jurisdictions

LABELING: Labeling shall be in accordance with the requirements of the Accredited Quality Assurance Agency noted herein and FBC 1507.1.1.

CONTINUED COMPLIANCE: This Evaluation Report is valid until such time as the named product(s) changes, the referenced Quality Assurance or production facility location(s) changes, or Code provisions that relate to the product(s) change. Acceptance of our Evaluation Reports by the named client constitutes agreement to notify NEMO ETC, LLC of any changes to the product(s), the Quality Assurance or the production facility location(s). NEMO ETC, LLC requires a complete review of its Evaluation Report relative to updated Code requirements with each Code Cycle.

ADVERTISEMENT: The Florida Product Approval Number (FL#) preceded by the words "NEMO P.E. Evaluated" may be displayed in advertising literature. If any portion of the Evaluation Report is displayed, then it shall be done in its entirety.

INSPECTION: Upon request, a copy of this entire Evaluation Report shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This Evaluation Report consists of pages 1 through 6.

Prepared by: Digitally signed by Robert Nieminen
Date: 2022.05.06 '14:35:35 -04'00

ROBERT NIEMINEN LICENSE NO. 59166 STATE OF FLORIDA PROFESSIONAL ENGINEER

This item has been digitally signed and sealed by Robert Nieminen, P.E. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.
Robert Nieminen, Florida P.E. 59166, FBC ANE1983 NEMO ETC, LLC, Florida CA #32455

CERTIFICATION OF INDEPENDENCE:

1. NEMO ETC, LLC does not have, nor does it intend to acquire or will it acquire, a financial interest in any company manufacturing or distributing products it evaluates.
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3. Robert Nieminen, P.E. does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the evaluation reports are being issued.
4. Robert Nieminen, P.E. does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.
5. This is a building code evaluation. Neither NEMO ETC, LLC nor Robert Nieminen, P.E. are, in any way, the Designer of Record for any project on which this Evaluation Report, or previous versions thereof, is/was used for permitting or design guidance unless retained specifically for that purpose.

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ROOFING COMPONENT EVALUATION:

1. SCOPE:

Product Category: Roofing
Sub-Category: Underlayment
Product Approval Method: Method 1, Option D: Codified Material – Evaluation by Engineer
Compliance Statement: Westlake Royal Roof Underlayments, as marketed by **Westlake Royal Roofing, LLC**, have demonstrated compliance with the following sections of the **7th Edition (2020) Florida Building Code** through testing in accordance with the following Standards. Compliance is subject to the Installation Requirements and Limitations / Conditions of Use set forth herein.

2. STANDARDS:

Section	Property	Standard	Year
1504.3.1	Wind resistance	UL 1897	2015
1507.1.1, 1507.2.4, 1507.2.9.2 / R905.1.1, R905.2.8.2	Material standard	ASTM D1970	2015
1507.3.3 / R905.3.3	Material standard	FRSA/TRI, Sixth Edition	2018
TAS 110	Material standard	TAS 103	2020

3. REFERENCES:

Entity	Examination	Reference	Date
ERD (TST6049)	UL1897	BRLRF-SC16250.11.17	11/28/2017
NEMO (TST6049)	ASTM D1970 & TAS 103 (tensile adhesion)	4j-BRLRF-21-SSUDL-1.A	10/20/2021
NEMO (TST6049)	ASTM D1623 & D4798	4j-BRLRF-21-SSUDL-1.B	10/20/2021
OC (PDM1838)	Physical Properties	Equivalency statement	11/02/2017
PRI (CER12639)	ASTM D1970, Citadel Plus	Certification	Current
PRI (TST5878)	Wind Uplift	BORR-001-02-01	03/17/2015
PRI (TST5878)	Wind Uplift	BORR-005-02-01	06/24/2015
PRI (TST5878)	TAS 103-20 (tensile adhesion)	DAPF-002-02-01	03/08/2018
PRI (TST5878)	ASTM D1970	OCF-356-02-01	03/23/2018
PRI (TST5878)	FRSA/TRI 09-2018	OCF-356-02-02	03/22/2018
PRI (TST5878)	TAS 103-20 (tensile adhesion)	OCF-356-02-04	03/22/2018
PRI (TST5878)	ASTM D1970 (adhesion)	OCF-443-02-01	10/11/2018
PRI (TST5878)	TAS 103-20 (tile slippage clarification)	OCF-356-02-02.1	02/03/2021
PRI CMT (QUA9110)	Quality Assurance	Service Confirmation	04/14/2022

4. PRODUCT DESCRIPTION:

	PRODUCT	MATERIAL STANDARD	PLANT(S)	DESCRIPTION
4.1	Westlake Royal TileSeal HT	ASTM D1970 and FRSA/TRI 09-18	Brentwood, NH	nominal 60-mil thick, polyester-surfaced, self-adhering SBS modified bitumen roof underlayment
4.2	Westlake Royal MetalSeal HT	ASTM D1970 and FRSA/TRI 09-18	Brentwood, NH	nominal 60-mil thick, polyester-surfaced, self-adhering SBS modified bitumen roof underlayment
4.3	Westlake Royal GatorSeal	ASTM D1970	Brentwood, NH	nominal 55-mil thick, granule-surfaced, fiberglass reinforced, self-adhering SBS modified bitumen roof underlayment
4.4	Westlake Royal Citadel Plus	ASTM D1970[1] (Table 1)	Brentwood, NH	nominal 48-mil thick, fabric-surfaced, fiberglass reinforced, self-adhering SBS modified bitumen roofing underlayment for use as a base-layer in multi-ply underlayment systems

[1] ***Westlake Royal Citadel Plus*** *has been found through comparative testing to have a lesser coefficient of friction than ASTM D226 roofing felt in a dry condition, tested at standard laboratory conditions. Agreement between purchaser and seller, as set forth in Section 4.3, Note 1 of ASTM D1970-15, should be established as to slip resistance.*

5. LIMITATIONS:

5.1 This is a building code evaluation. Neither NEMO ETC, LLC nor Robert Nieminen, P.E. are, in any way, the Designer of Record for any project on which this Evaluation Report, or previous versions thereof, is/was used for permitting or design guidance unless retained specifically for that purpose.

5.2 This Evaluation Report is not for use in FBC High Velocity Hurricane Zone jurisdictions (i.e., Broward and Miami-Dade Counties).

5.3 This Evaluation Report pertains to above-deck roof components. Roof decks and structural members shall be in accordance with FBC requirements to the satisfaction of the Authority Having Jurisdiction.

5.4 This Evaluation Report does not include evaluation of fire classification. Refer to **FBC 1505** for requirements and limitations regarding roof assembly fire classification. Refer to **FBC 2603** for requirements and limitations concerning the use of foam plastic insulation.

5.5 **Westlake Royal Roof Underlayments** may be used with any prepared roof cover where the product is specifically referenced within FBC approval documents. If not listed, a request may be made to the Authority Having Jurisdiction for approval based on this evaluation combined with supporting data for the prepared roof covering.

5.6 **Allowable Roof Covers:** Table 1 pertains to use of each listed underlayment by-itself beneath the stated roof covers. Refer to the installation instructions for multi-ply underlayment options.

TABLE 1: ROOF COVER OPTIONS

FBC SECTION:	*1507.2*	*1507.3*		*1507.4 & 1507.5*		*1507.7*	*1507.8 & 1507.9*
UNDERLAYMENT	ASPHALT SHINGLES	CLAY AND CONCRETE TILE		METAL		SLATE OR SLATE-TYPE SHINGLES	WOOD
		MECHANICAL ATTACH	ADHESIVE-SET	PANELS	SHINGLES		SHINGLES & SHAKES
Westlake Royal TileSeal HT	Yes	Yes	Yes *(See 5.6.1)*	Yes	Yes	Yes	Yes *(joint strips, 1507.1.1.3 / R905.1.1.3)*
Westlake Royal MetalSeal HT	Yes	Yes	Yes *(See 5.6.1)*	Yes	Yes	Yes	Yes *(joint strips, 1507.1.1.3 / R905.1.1.3)*
Westlake Royal GatorSeal	Yes	No	No	No	No	Yes	Yes *(joint strips, 1507.1.1.3 / R905.1.1.3)*

5.6.1 Adhesive-set is limited to use of following underlayment / tile-adhesive combinations.

TABLE 1A: ALLOWABLE UNDERLAYMENT / TILE-ADHESIVE COMBINATIONS[2]

UNDERLAYMENT	ADHESIVE		
	BY	PRODUCT	FBC FILE
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	DAP Products, Inc.	Touch 'n Seal Storm Bond Roof Tile Adhesive or Touch 'n Seal Storm Bond 2 Roof Tile Adhesive	FL14506
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	Dupont de Nemours, Inc.	Tile Bond Roof Tile Adhesive	FL22525
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	ICP Construction, Inc.	POLYSET AH-160	FL6332
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	ICP Construction, Inc.	POLYSET RTA-1	FL6276

[2] *Refer to Tile Manufacturer's or Adhesive Manufacturer's Florida Product Approval for Overturning Moment Resistance Performance.*

5.7 **Allowable Substrates:**

TABLE 2: SUBSTRATE OPTIONS FOR ADHERED UNDERLAYMENTS			
UNDERLAYMENT	APPLICATION	PRIMER	SUBSTRATES
Westlake Royal Citadel Plus	self-adhering	(Optional) ASTM D41	plywood
		ASTM D41	metal (flashing metal, valley metal, etc.)
Westlake Royal TileSeal HT, Westlake Royal MetalSeal HT	self-adhering	(Optional) ASTM D41	plywood
		(Optional) ASTM D41	OSB
		(Optional) ASTM D41	Huber "Zip Deck"
		none	ASTM D226 Type II felt or Westlake Royal Citadel Plus
		ASTM D41	metal (flashing metal, valley metal, etc.)
Westlake Royal GatorSeal	self-adhering	(Optional) ASTM D41	plywood
		none	ASTM D226 Type II felt
		ASTM D41	metal (flashing metal, valley metal, etc.)

5.8 **Attachment Limitations:**

5.8.1 For use under mechanically attached NON-TILE prepared roof coverings, attachment shall be in accordance with the manufacturer's installation instructions, but – for mechanically attached underlayments or base sheets - not less than **FBC 1507.1.1** or **R905.1.1**.

5.8.2 For use under tile roof systems, attachment shall be in accordance with the manufacturer's installation instructions, but not less than Section 5.8.3 herein.

5.8.3 Wind Resistance for Underlayment Systems in Tile Roof Applications:
The following wind uplift limitations apply to underlayment systems that are not prescriptive in the **FRSA/TRI** *Florida High Wind Concrete and Clay Roof Tile Installation Manual*, Sixth Edition. The Maximum Design Pressure is the result of testing for wind load resistance based on allowable wind loads, and reflects the ultimate passing pressure divided by 2 (the 2 to 1 margin of safety per **FBC 1504.9** has already been applied).

5.8.3.1 Direct-to-Deck:
The maximum design pressure for the selected assembly shall meet or exceed that required under FRSA/TRI *Florida High Wind Concrete and Clay Roof Tile Installation Manual*, Sixth Edition, Appendix A, Table 1A or the critical (highest) design pressure determined in accordance with **FBC 1609** or **FBC Residential Chapter 3**.

#1 Maximum Design Pressure = **-142.5 psf**:

Deck: Min. 15/32-inch plywood to meet project requirements to satisfaction of Authority Having Jurisdiction.

Base Ply: None

Cap Ply: Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT, self-adhered and back-nailed within the selvedge-edge side laps using 12 ga. x 1¼" ring shank nails through 32 ga., 1-5/8" diameter tin caps spaced 12-inch o.c.

#2 Maximum Design Pressure = **-202.5 psf**:

Deck: Min. 15/32-inch plywood to meet project requirements to satisfaction of Authority Having Jurisdiction.

Primer: Tropical Roofing Products #410 Quick Dry Primer or other ASTM D41 primer to the plywood deck

Base Ply: None

Cap Ply: Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT, self-adhered, and back-nailed within the selvedge-edge side laps using 12 ga. x 1¼" ring shank nails through 32 ga., 1-5/8" diameter tin caps spaced 12-inch o.c.

#3 Maximum Design Pressure = **-210.0 psf**:

Deck: Min. 15/32-inch plywood to meet project requirements to satisfaction of Authority Having Jurisdiction.

Primer: KARNAK #89 Sta-Tak Primer to the plywood deck

Base Ply: None

Cap Ply: Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT, self-adhered, and back-nailed within the selvedge-edge side laps using 12 ga. x 1¼" ring shank nails through 32 ga., 1-5/8" diameter tin caps spaced 12-inch o.c.

#4 Maximum Design Pressure = **-120.0 psf**:

Deck: Min. 2,500 psi structural concrete to meet project requirements to satisfaction of Authority Having Jurisdiction.

Primer: ASTM D41 to the concrete deck

Base Ply: (Optional) Westlake Royal Citadel Plus, self-adhered

Cap Ply: Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT, self-adhered and back-nailed within the selvedge-edge side laps in accordance with Westlake Royal published installation requirements, but not less than FRSA/TRI Manual requirements.

#5 All other direct-deck, adhered underlayment systems beneath tile roof systems carry a Maximum Design Pressure of -45 psf.

5.9 **Exposure Limitations:**

TABLE 3: EXPOSURE LIMITATIONS		
UNDERLAYMENT	PREPARED ROOF COVER INSTALLATION TYPE	MAXIMUM EXPOSURE (DAYS)
Westlake Royal GatorSeal	Mechanically attached	30
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	Adhesive-set tile roof system	180
	Mechanically attached	180
Westlake Royal Citadel Plus *(base ply in multi-ply underlayment systems only)*	N/A (prior to placement of subsequent underlayment)	180

5.10 Tile Slippage Limitations: When loading roof tiles on the underlayment in direct-deck tile roof assemblies, the maximum roof slope shall be as follows. These slope limitations can only be exceeded by using battens during loading of the roof tiles.

TABLE 4: TILE SLIPPAGE LIMITATIONS FOR DIRECT-DECK TILE INSTALLATIONS			
UNDERLAYMENT	TILE PROFILE	STAGING METHOD	MAXIMUM SLOPE
Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT	Flat or Lugged	Max. 10-tile stack	6:12

6. INSTALLATION:

6.1 **Westlake Royal Roof Underlayments** shall be installed in accordance with **Westlake Royal Roofing, LLC** published installation instructions subject to the Limitations set forth in Section 5 herein and the specifics noted below.

6.2 Re-fasten any loose decking panels, and check for protruding nail heads. Sweep the substrate thoroughly to remove any dust and debris prior to application, and prime the substrate (if applicable).

6.3 Westlake Royal GatorSeal:

6.3.1 Shall be installed in compliance with requirements for an approved self-adhering underlayment (ASTM D1970) in **FBC 1507.1.1.1** or **1507.1.1.3** or **FBC Residential R905.1.1.1** or **R905.1.1.3** for the type of prepared roof covering to be installed, and the manufacturer's installation instructions.

When installed over a mechanically attached, FBC Approved ASTM D226 Type II felt, the felt shall be fastened in accordance with **FBC 1507.1.1** or **R905.1.1**.

6.4 Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT:

6.4.1 Non-Tile Applications:

Shall be installed in compliance with requirements for an approved self-adhering underlayment (ASTM D1970) in **FBC 1507.1.1.1** or **1507.1.1.3** or **FBC Residential R905.1.1.1** or **R905.1.1.3** for the type of prepared roof covering to be installed, and the manufacturer's installation instructions.

When installed over a mechanically attached, FBC Approved ASTM D226 Type II felt, the felt shall be fastened in accordance with **FBC 1507.1.1** or **R905.1.1**.

6.4.2 Tile Applications:

Shall be installed in compliance with requirements for a Self-Adhered Membrane in the **FRSA/TRI** *Florida High Wind Concrete and Clay Roof Tile Installation Manual*, Sixth Edition, and the manufacturer's installation instructions.

Refer to Section 5.8.2 for attachment limitations.

Refer to Table 4 for tile staging limitations.

6.4.3 Multi-Ply Underlayment Systems:

One ply of **Westlake Royal Citadel Plus** followed by **Westlake Royal TileSeal HT or Westlake Royal MetalSeal HT** is allowable for use under mechanically attached, non-tile prepared roof systems. Limits of use are those associated with the top-layer material. This is not a requirement, but is allowable if a multi-ply underlayment system is desired.

Refer to Section 5.8.2 for use of **Westlake Royal Citadel Plus** as a base ply membrane in underlayment systems for use under tile-roof systems.

7. BUILDING PERMIT REQUIREMENTS:

As required by the Building Official or Authority Having Jurisdiction to properly evaluate the installation of this product.

8. MANUFACTURING PLANTS:

Contact the named QA entity for manufacturing facilities covered by **F.A.C. Rule 61G20-3** QA requirements. Refer to Section 4 herein for products and production locations having met codified material standards.

9. QUALITY ASSURANCE ENTITY:

PRI Construction Materials Technologies, LLC (QUA9110); (813) 621-5777; brian.wilson@pri-group.com

- END OF EVALUATION REPORT -

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2022

TO: Historic Preservation Board

FROM: Michele Janiszewski, AICP, Senior Planner

RE: **Tab 3 - Certificate of Appropriateness; 809 N Donnelly Street (Location); Remove 6 Aluminum Windows and Replace with Fibrex Windows (Request); Ralph E. Kemmet and Ralph O. Kemmet (Owners); Renewal by Andersen, c/o Jared Mellick (Applicant).**

Property Information

Address:	809 N Donnelly Street	**Current Use**	Residence
Zoning District:	C-2	**Land Use:**	Commercial

Original Structure Information

Date of Construction:	1923	**Style:**	Frame Vernacular
Exterior Plan:	Irregular	**Foundation Type:**	Concrete Block
Siding:	Wood, Novelty Siding	**Stories:**	Two
Roof:	Cross-Gable	**Chimney:**	3; Brick with Corbelled caps
Porch:	1, Closed	**Windows:**	Metal Sash, 4/1

Background on Architecture Style:

Masonry Vernacular buildings tend to be simple, largely unornamented, and constructed out of readily available materials and were first constructed by lay or self-taught carpenters to provide basic shelter without attention to architectural style. These were ordinary homes for ordinary people. The buildings reflect locally available building materials, the skills and regional background of the builder and environmental conditions. Windows and doors are symmetrically spaced on a façade to form a regular rhythm of solids and voids called "bays." Where there is more than one floor, openings are aligned from floor to floor for structural purposes. Decoration is simple and limited usually to string courses, window and door lintels, and cornices.

This style of houses' primary exterior material is typically concrete block, stucco, and brick. Roof surfaces were typically wood shingles during the 19th century; metal during the last 19th century; and composition and asbestos shingles beginning in the 1920s.

Vernacular buildings were widely constructed in Mount Dora from the l880s through the 1930s.

Guidance on Windows:

Pursuant to the Mount Dora Historic Design Guidelines, the placement, design and materials of windows is often a significant part of the architectural character of a building. Common historic windows in Mount Dora are double-hung sash in a 1 /1, 2/2, 3/1 or multi-light/ 1 pattern, wood or steel casement and commercial show windows. Non-historic windows include awning, jalousie and pivot types. Awning and jalousie windows have been put to an unfortunate use as replacement windows or porch enclosures in many of Mount Dora's historic Craftsman Bungalows.

Distinctive windows are a significant part of the overall design of a building and should not be destroyed under Standard 6. Careful repair is the preferred approach. If repair is not technically or economically feasible, new windows that match the original in size, general muntin/mullion configuration and reflective qualities may be substituted for missing or irreparable windows.

When choosing replacements the following features of the original windows should be used as criteria: trim detail; size, shape of frame, sash; location of meeting rail; reveal or set-back of window from wall plane; separate planes of two sash; color, reflective qualities of glass; and muntin, mullion profiles and configuration.

If these criteria are fulfilled, the new windows need not be exact replicas of the originals. The Standards further permit new windows to be constructed of non-historic materials such as aluminum or vinyl and to have a tint of up to 10%. Of course, matching the original materials and visual qualities is always preferable. In general, changes to window openings should be avoided.

The rhythm of window and door openings is an important part of the character of buildings in Mount Dora. In some instances, new window or door openings should be located on non-significant walls. For commercial buildings these would be common or party walls or secondary elevations. For residential structures, these would be side or rear walls not readily visible from a main thoroughfare.

Staff Analysis:

The applicant is seeking to remove six aluminum windows and replace them with Fibrex (composite) windows. The existing windows are single hung with white frames and the replacement windows will be double hung with white frames. Both the existing and proposed windows will have a top sash having colonial 2W X 2H grilles and a bottom sash with no grilles. There are no changes to the existing size and location of the windows.

Staff Recommendation:

The request is consistent with Section 3.6.4 of the City's Land Development Code and adopted Historic Design Guidelines and recommends approval of the application, as presented.

Attachments:

1987 Site Form
2008 Site Form
Application

Site Inventory Form

Site No. _____

Site Name The Flora Jameson House Survey Date 8709
Address of Site 809 Donnelly St., Mt. Dora Fl. 32757
Instruction for locating _____

Location Mt. Dora Sub (Subdivision Name) 35 (Block No.) 00007 (Lot No.)

County Lake
District name if applicable _____
Owner of Site: Name Williams, Betty Jean
Address 625 N. Tremain St., Mt. Dora Fl. 32757

Type of Ownership private Recording Date 8711
Recorder: Name & Title Barr, Melanie (Historical Preservation Consultant)
Address P.O. Box 17 Gainesville Fl, 32602

Condition of Site: (Check One)
- ___ Excellent
- x Good
- ___ Fair
- ___ Deteriorated

Integrity of Site: (Check One or More)
- x Altered
- ___ Unaltered
- x Original Use
- ___ Restored/Date
- ___ Moved/Date

Original Use private residence
Present Use private residence
Dates c. +1922
Cultural Phase American
Period 20th Century

NR Classification Category building Date Listed on NR _____

Threats to Site: (Check One or More)
- x Zoning
- ___ Development
- ___ Deterioration
- ___ Transportation
- ___ Fill
- ___ Dredge
- ___ Borrowing
- ___ Other (See Remarks Below)

Areas of Significance: Early Community Development

Significance:

Flora Jameson had this house built in the early 1920's. She rented part of it to winter visitors. The story is also told that her husband lived in Tangerine and they would switch residences every six months in order to keep both houses under homestead exemption. Despite its 1920's date of construction the house is a simple two story frame vernacular dwelling embellished by a two story bay on the south side.

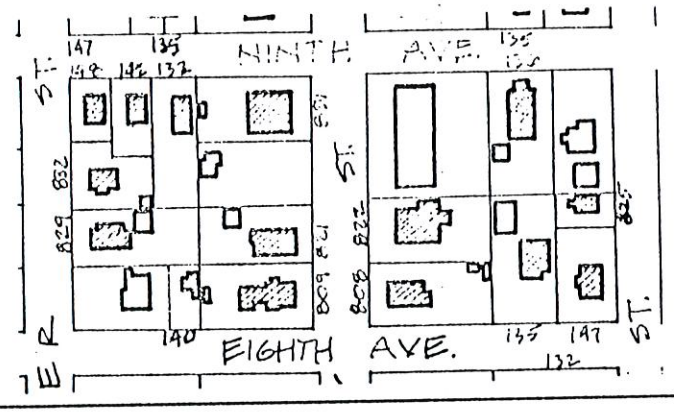
PS 9-30

Architect
Builder
Style and/or Period framed vernacular
Plan Type irregular:irregular
Exterior Fabric(s) wood: novelty siding
Structural System(s) wood frame: balloon
Porches E/ 1 story porch, enclosed
Orientation E
Foundation continous: concrete block
Roof Type cross gable
Secondary Roof Structure(s) porch: hip
Roof Surfacing asbestos shingles # asphalt shingles
Window Type DHS, 2/2 wood # awning 2 story bay
Ornament Exterior
Chimney brick with corbelled caps
Chimney Location N:slope # N:wall,exterior # W: wall, exterior
No. of Chimneys 3 No. of Stories 2
No. of Dormers Outbuildings
Surroundings
Map Reference (incl. scale & date) USGS Eustis 7.5 Min. 1966 (PR1980)

Latitude and Longitude

Site Size (approx. acreage of property) LT1

LOCATION SKETCH OR MAP N

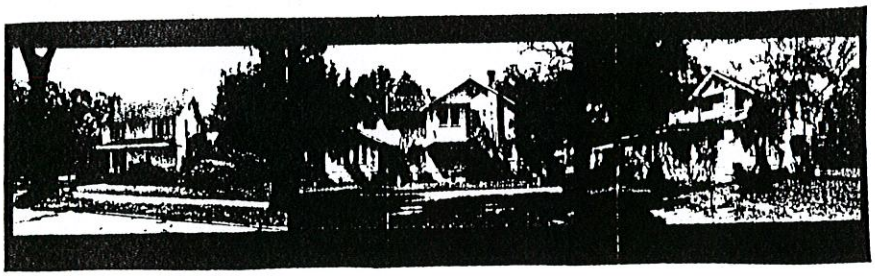


Township	Range	Section
19	27	30

UTM Coordinates:

Zone Easting Northing

Photographic Records Number B 3-5
Please attach Photographic Print



Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 LA00328
Recorder # 105
Field Date 3/15/2008
Form Date 3/15/2008
FormNo 200803
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) 809 N Donnelly St
Multiple Listing (DHR only)
Other Names >>
Survey or Project Name
Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
809	North	Donnelly	Street	

Cross Streets (nearest/ between)
City / Town (within 3 miles) Mount Dora
In Current City Limits? YES
County Lake
Tax Parcel #(s)
Subdivision Name
Block
Lot
Ownership
Name of Public Tract (e.g., park)
Route to (especially if no street address)

MAPPING

USGS 7.5' Map Name
Publication Date >> EUSTIS;1980
Township:
Range:
Section:
1/4 section:
>> 19S ;27E ;30;UNSP
Irregular Section Name:
Landgrant
UTM: Zone
Easting
Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Frame Vernacular
Other Style
Exterior Plan Irregular
Other Exterior Plan
Number of Stories 2
Structural System(s) >> Wood frame
Other Structural System(s)
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Poured Concrete Footing
Other Foundation Material(s)
Exterior Fabric(s) >> Drop siding
Other Exterior Fabric(s)
Roof Type(s) >> Gable
Other Roof Type(s)
Roof Material(s) >>
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >>
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

HISTORICAL STRUCTURE FORM

8LA00328

DESCRIPTION (continued)

Window Descriptions metal sash, 4/1

Main Entrance Description (stylistic details)

Porches: #open ____ #closed 1 #incised ____ Location(s)

Porch Roof Types(s)

Exterior Ornament

Interior Plan Other Interior Plan

Condition Good

Structure Surroundings

Commercial: MOSTly this category Residential:

Institutional: Undeveloped:

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe):

If archaeological remains are present, was an Archaeological Site Form completed? ____

Narrative Description (optional)

HISTORY

Construction year 1923

Architect (last name first): Builder (last name first):

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Year Use Started Year Use Ended >> Office;1923;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local tax records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES Name of Local Register if Eligible

Idividually Eligible for National Register? NO

Potential Contributor to NR District? YES

Area(s) of historical significance >>

Other Historical Associations

Explanation of Evaluation (required) Because the resource retains much of its historic integrity and is located in a well-preserved collection of historic buildings, it appears to contribute to a historic district.

HISTORICAL STRUCTURE FORM

8LA00328

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>>

RECORDER INFORMATION

Recorder Name (Last, First) Bland, Myles

Recorder Address / Phone 4104 St. Augustine Road Jacksonville, FL

Recorder Affiliation Bland & Associates, Inc Other Affiliation _____

Is a Text-Only Supplement File Attached (Surveyor Only)? NO

****** MASTER SITE FILE USE ONLY ******

SHPO's Evaluation of Resource

_____ Date _____

Cultural Resource Type: SS

Electronic Form Used: S110

Form Type Code: NORM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer: _____

Computer Entry Date: 5/24/2008

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

LA00328-200803

Supplementary Printout

> **USGS map name/year of publication or revision:**
EUSTIS;1980

> **Township/Range/Section/Qtr:**
19S ;27E ;30;UNSP

> **Structural system(s):**
Wood frame

> **Foundation types:**
Continuous

> **Foundation materials:**
Poured Concrete Footing

> **Exterior fabrics:**
Drop siding
Wood/Plywood

> **Roof types:**
Gable

> **Roof materials:**

> **Roof secondary structures (dormers etc):**

> **Change status/year changed/date noted/nature:**

> **Original, intermediate, present uses/year started/year ended:**
Office;1923;

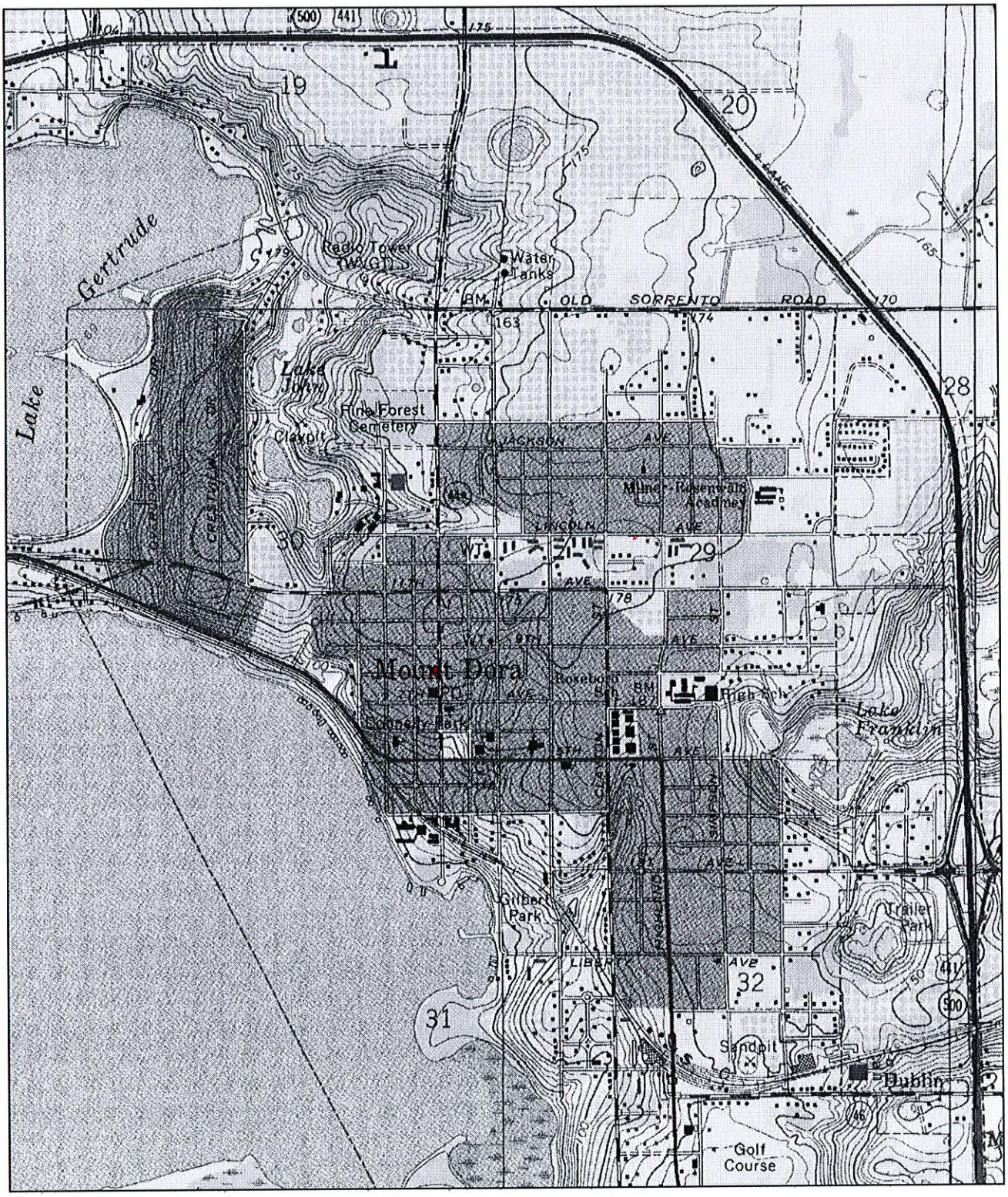
> **Research methods:**
Examine local tax records
FL Master Site File-Cultural Resources
Pedestrian

> **Area(s) of historical significance:**

> **Repositories: Collection/Housed/Accession#/Describe**

> **[Other name(s)]:**

105



N

0 0.5 Mi

0 2000 Ft

Map provided by MyTopo.com

LA328

Lake County, Florida

LEGEND

- Highlighted Feature
- LAKE APOPKA LDR
- PARCELS
- ALTERNATE KEY NUMBERS
- STRUCTURE/ADDRESS
- COUNTY PROPERTY
- STREETS
  - BUILT
  - PLATTED NOT BUILT
- CITY LIMITS
  - ASTATULA
  - CLERMONT
  - EUSTIS (cont)
  - FRUITLAND PARK
  - GROVELAND
  - HOWEY-IN-THE-HILLS
  - LADY LAKE
  - LEESBURG
  - MASCOTTE
  - MINNEOLA
  - MONTVERDE
  - MOUNT DORA
  - TAVARES (cont)

RN105

LA 328

105

LA
328

CITY OF MOUNT DORA

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7112
Fax: 352-735-7191
E-mail: plandev@cityofmountdora.com

CERTIFICATE OF APPROPRIATENESS APPLICATION FORM
(Renovations, Additions and New Construction)

809 N Donnelly St Mount Dora, FL 32757
Property Address

Ralph Kemmet
Property Owner (If Different From Applicant)

Applicant Name: Renewal By Andersen / Jared Mellick

Address: 997 W Kennedy Blvd A-1

City/St/Zip: Orlando, FL 32810

407-803-4723	352-348-7178	araines@rbafla.com
Business Phone	**Alternate Phone**	**Email**

Full Description of Proposed Alteration(s) or Construction. (Attach additional documentation if needed)

Replace 6 windows size for size Existing windows - aluminum, single hung, white frames, with with top sash having colonial 2W x 2H grilles, bottom sash no grilles
All new windows are Fibrex (composite), double hung, white frames, with top sash having colonial 2W x 2H grilles, bottom sash no grilles

Current Building Use (i.e. residential or commercial): Residential
Is there currently a chimney on the building? Yes
If so, will the chimney be affected? No

Required Documentation:

Renovations or Additions:
1. Property Record Card
2. Survey
3. Elevation drawings of each side of the building affected by the proposed work
   a. Drawings must be to scale and clearly illustrate the detail of the work proposed
   b. (2) Drawings labeled with existing and proposed
4. Materials Listing or Cut Sheet
5. Photographs of existing structure
6. $50 Application Fee

New Construction on Undeveloped Land:
1. Survey
2. Elevations of the Surrounding Structures which will be influenced by New Structure
3. Proposed Design(s) of New Structure
4. Intended Materials to be Used on Exterior of Structure
5. $100 Application Fee

Demolition Requests:
1. Please see separate application for demolition requests.
2. $100 Application Fee

PLEASE NOTE - APPLICATIONS MUST BE RECEIVED THREE WEEKS PRIOR TO THE MEETING.
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Note: This application is for a Certificate of Appropriateness from the Historic Preservation Board only. The proposed work must also meet Zoning and Building Code Requirements. Submission of the application implies permission is granted to the City of Mount Dora to inspect and document any necessary information needed to process this request.

Jared Mellick CGC1527613

Applicant/Owner Signature

Land Development Code
3.6.4 Certificate of appropriateness.

1. *Basic requirements.*

   a. *Certificate of appropriateness required.*
      1) No building, structure, appurtenance, improvement or landscape feature within the City of Mount Dora, which has been designated a historic site, will be erected, altered, restored, renovated, excavated, relocated, or demolished until a certificate of appropriateness regarding any exterior architectural features, landscape features, or site improvements has been approved under the procedures in this section.
      2) A certificate of appropriateness shall be required for the erection, alteration, restoration, renovation, excavation, relocation, or demolition of any building, structure or appurtenance within any historic district established by the City of Mount Dora under the procedures specified in this ordinance.
      3) A certificate of appropriateness shall be required for any material change in existing walls, fences and sidewalks or construction of new walls, fences and sidewalks.
   b. *Architectural features.* Architectural features include, but are not limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style of roofs, windows, doors and appurtenances.
   c. *Landscape features.* Landscape features and site improvements will include, but are not limited to, walls, fences, courtyards, signs, and exterior lighting.
   d. *Plan approval required.* No certificate of appropriateness will be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition are approved by the board.
   e. *Relocation.* Relocation of a building or structure will include, but not be limited to, moving a building or structure into or within any historic district, and moving a historic building or structure within or out of the City of Mount Dora or any historic district.
   f. *Certificate not required.* A certificate of appropriateness will not be required for general, occasional maintenance of any historic buildings, structure or site, or any building or structure within a historic district. General, occasional maintenance will include, but is not limited to, lawn and landscaping care, painting and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance will not include any of the activities described and defined in paragraphs 1. through 5. of this subsection, nor will it include an addition or change of awnings, signs, or alterations to porches and steps. A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation or demolition. General, occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit for the city.

PROPERTY RECORD CARD

General Information

Name:	KEMMET RALPH O &	**Alternate Key:**	1464552
Mailing Address:	809 N DONNELLY ST MOUNT DORA, FL 32757 *Update Mailing Address*	**Parcel Number:**	29-19-27-0010-035-00007
		Millage Group and City:	0MD1 Mount Dora
		2021 Total Certified Millage Rate:	18.8051
		Trash/Recycling/Water/Info:	*My Public Services Map*
Property Location:	809 N DONNELLY ST MOUNT DORA FL, 32757 *Update Property Location*	**Property Name:**	-- *Submit Property Name*
		School Information:	*School Locator & Bus Stop Map* *School Boundary Maps*
Property Description:	MOUNT DORA, 30-19-27 S 70 FT OF E 133 FT OF BLK 35 PB 3 PGS 37-43 ORB 1312 PG 449, ORB 1902 PG 1358		

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY (0100)	70	133		9310.000	FD	$0.00	$57,347.00

Click here for Zoning Info **FEMA Flood Map**

Residential Building(s)

Building 1

Residential Building Value: $203,816.00

Summary

Year Built: 1921	Total Living Area: 2802	Central A/C: Yes	Attached Garage: No
Bedrooms: 4	Full Bathrooms: 3	Half Bathrooms: 0	Fireplaces: 0

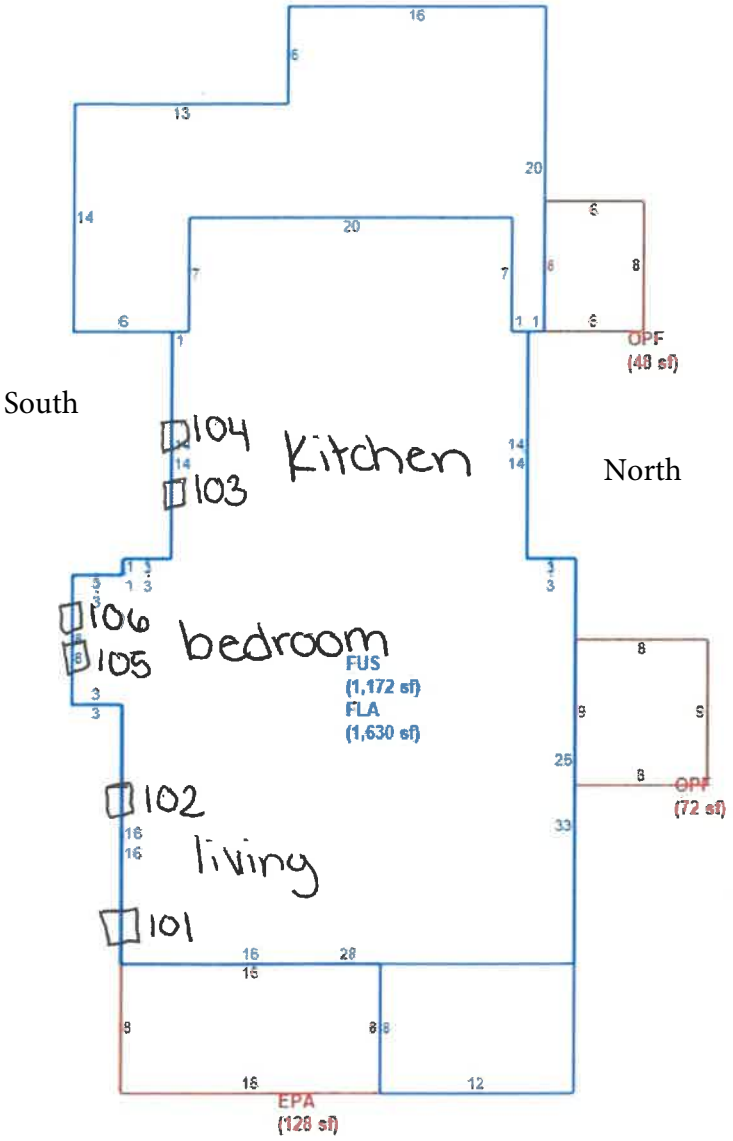
Incorrect Bedroom, Bath, or other information?

Section(s)

Section Type	Ext. Wall Type	No. Stories	Floor Area
ENCLOSED PORCH WOOD (EPA)		1.00	128
FINISHED LIVING AREA (FLA)	Wood (01)	1.00	1630
FINISHED AREA UPPER STORY (FUS)		1.00	1172
OPEN PORCH FINISHED (OPF)		1.00	120

View Larger / Print / Save

West



East

New

101 - DH - 24¼ x 57¾ - White
102 - DH - 24¼ x 57¾ - White
103 - DH - 29½ x 57¾ - White
104 - DH - 27½ x 53¾ - White
105 - DH - 29½ x 57¾ - White
106 - DH - 29½ x 57¾ - White

Existing

101 - 106 "Single Hungs"
Replacing size for size,
Same color, same grille
pattern [top sash - Colonial 2x2
bottom - none]

Order Summary

dba: RENEWAL BY ANDERSEN OF FLORIDA
Legal Name: JLM Windows, LLC | License # CGC1527613
997 West Kennedy Blvd. Suite A18 | Orlando, FL 32810
Phone: 407-803-4723 | Fax: 407-386-8262 | concierge@rbafla.com
Measure Tech: Jay Holly, (321)439-4151

Ralph Kemmet
809 N Donnelly St
Mount Dora , FL 32757
H: (352)551-5650

ID#	ROOM	SIZE		DETAILS
JOB				
101	living room front	24" **24-1/2"**	58" **57-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)
102	living room front	24" **24-1/2"**	58" **57-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)
103	kitchen	28" **29-1/2"**	54" **57-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)

Order Summary

dba: RENEWAL BY ANDERSEN OF FLORIDA
Legal Name: JLM Windows, LLC | License # CGC1527613
997 West Kennedy Blvd. Suite A18 | Orlando, FL 32810
Phone: 407-803-4723 | Fax: 407-386-8262 | concierge@rbafla.com
Measure Tech: Jay Holly, (321)439-4151

Ralph Kemmet
809 N Donnelly St
Mount Dora , FL 32757
H: (352)551-5650

ID#	ROOM	SIZE		DETAILS
104	kitchen	28" **27-1/2"**	54" **53-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)
105	middle bed	36" **29-1/2"**	58" **57-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)
106	middle bed	36" **29-1/2"**	58" **57-3/4"**	**Window:** Double-Hung (DG), 1:1, Flat Sill, Base Frame, Traditional Checkrail, Exterior White, Interior White **Performance Calculator:** Winde, Wind Speed 132, Zone 4, PG Rating: 40 | DP Rating: + 40 / - 40 **Glass:** All Sash: High Performance, No Pattern **Hardware:** White **Screen:** TruScene, Full Screen **Grille Style:** Grilles Between Glass (GBG), Wide Bar **Grille Pattern:** Sash 1: Colonial 2w x 2h, Sash 2: No Grille **Misc:** None **Construction:** None **Material:** 2.25" x 5/8" L-Trim, (12 ft), White (2), Caulk - White Exterior (1), Interior Caulk- White (1), #10 X 3.5" Deck Screws (Wood Frame) (0.25), 1/16 Flat Shims (1), Flashing Tape (0.5), 2 x 4 x 12' PT (2), 1 x 4 x 12' PT (2)

PRODUCTS: 6 WINDOWS: 6 PATIO DOORS: 0 ENTRY DOORS: 0 SPECIALTY: 0 MISC: 0

Updated 11/9/22

104
103
106
105
102
101

101

102

104
103

106
105

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2023

TO: Historic Preservation Board

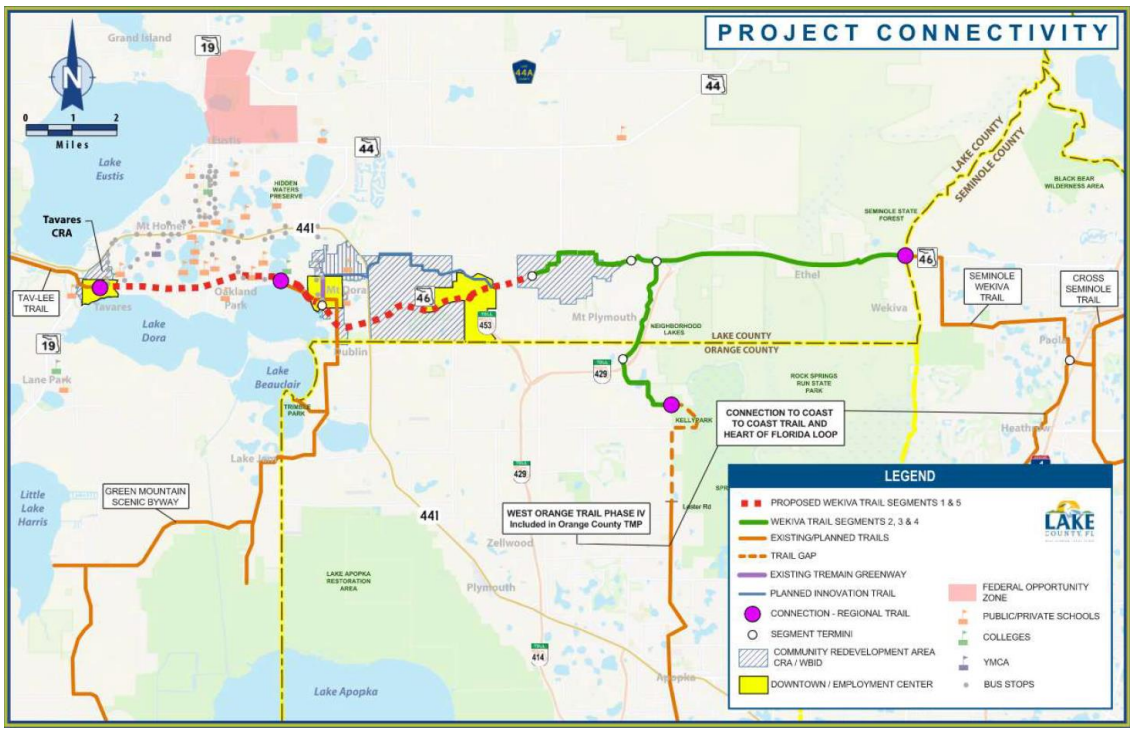
FROM: Michele Janiszewski, AICP, Senior Planner

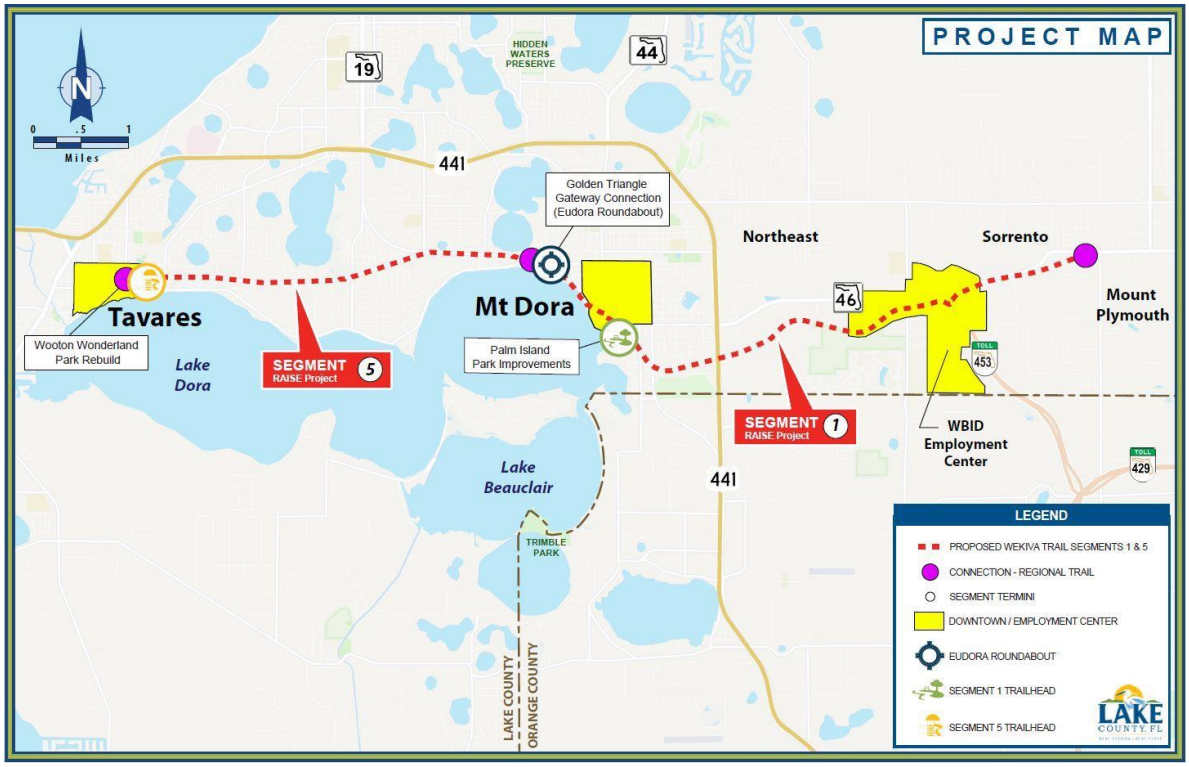
RE: **Tab 4 – Discussion Item; Wekiva Trail Segment 1 Field Visit.**

Wekiva Trail Project Summary:

The Regional Wekiva Trail is a 26-mile multi-modal trail that will connect the City of Tavares, City of Mount Dora and unincorporated area of Lake County to the Seminole and Orange County multi-modal trail network, and to the statewide multi-modal trail network. Although 14.5 miles of the trail are being constructed, the last 11.5 miles remain unfunded despite strong public support and consistent prioritization in the Florida Department of Transportation (FDOT) Transportation Improvement Projects and the County and the Cities Master Trails Plans.

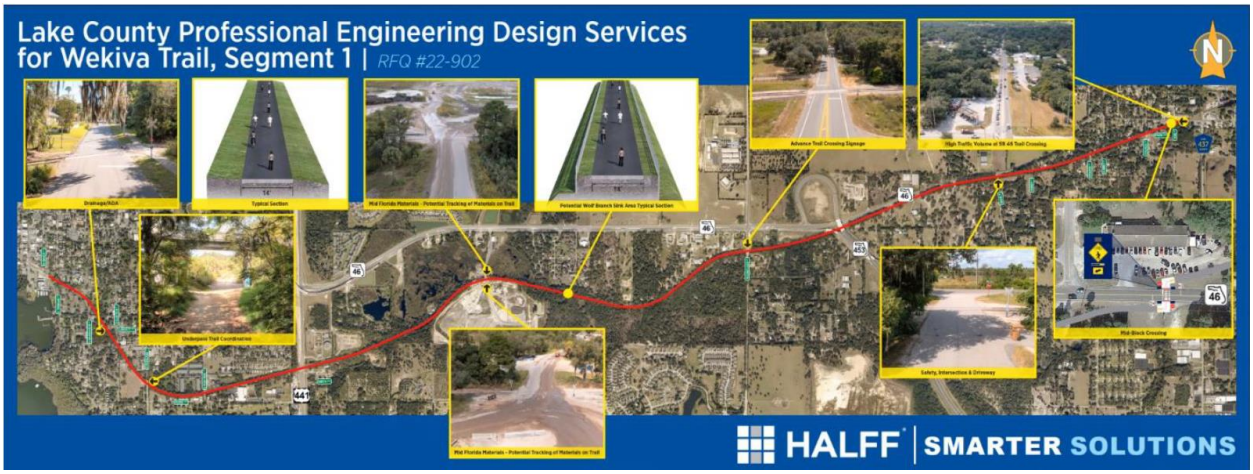
The regional Wekiva Trail includes five segments. As depicted in the map, Segments 1 and 5 in red are the missing segments to the greater county, regional, and state trail networks, shown in orange. Segments 2, 3, and 4A and 4B, in green, are either constructed or being constructed.





On October 28, 2022, the Design and Aesthetics Committee for the Wekiva Trail Segment 1 completed a field inspections of Segment 1 of the Wekiva Trail. The field visit was attended by staff from the City of Mount Dora, Lake County Public Works, FDOT District 5, State Historic Preservation Office, and HALFF (Project Managers).

The project is approximately 5.5 miles beginning 350 feet west of Tremain Street and running east to SR 46 in Sorrento. Project includes the Tremain Street Bridge and US 441 Bridge. The segment of the project that falls under the National Historic Registry is from project begin (350 west of Tremain Street in Mount Dora) to the east side of the US 441 Bridge. Included under the National Historic Registry is the Tremain Street Bridge and the US 441 Bridge.



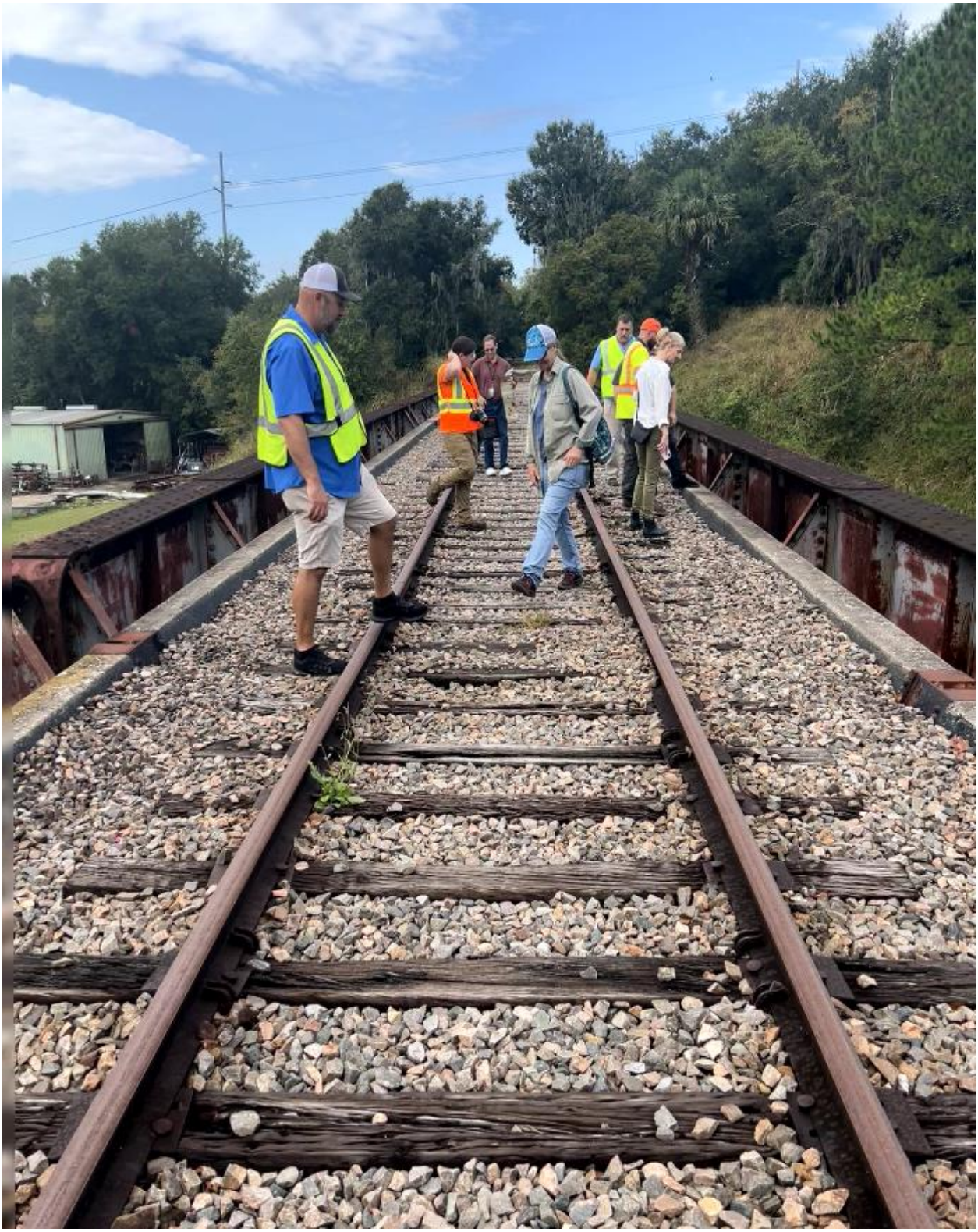
Our Chairman, Det Joks, was able to attend and walked the entire route with the team and provided the following photos to share with the Historic Preservation Board.

42

WEIR

#46

RAIL ROAD
CROSSING
YIELD



CITY OF MOUNT DORA

PROPERTY MAINTENANCE CODE

Based on the International Property Maintenance Code 2006 Edition as published by the International Code Council, Inc and *amended by City Ordinance 2007-944 and by City Ordinance 2008-1010*

CHAPTER 1

ADMINISTRATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of *City of Mount Dora* hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *current edition of the Florida Building Code, Florida Plumbing Code, Florida Mechanical Code, Florida Fuel Gas Code, Florida Building Code Residential, Florida Existing Building Code, Florida Fire Prevention Code, and the National Electrical Code NFPA 70.* Nothing in this code shall be construed to cancel, modify or set aside any provision of the *City of Mount Dora Land Development Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. *The City Manager shall designate the responsibility for enforcement of this Code.*

103.2 Appointment. *The Code Inspector shall be appointed by the City Manager.*

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. *(This Section Deleted by City Ord.)*

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106
VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. *(This Section Deleted by City Ord.)*

106.3 Prosecution of violation. *(This Section Deleted by City Ord.)*

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107
NOTICES AND ORDERS
(This Section Deleted by City Ord.)

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

(This Section Deleted by City Ord.)

SECTION 110 DEMOLITION

110.1 General. *Demolition and condemnation of unfit or unsafe dwellings or structures shall be in compliance with the provisions of Ordinance No. 2007-938, as codified, and with any subsequent amendments thereto.*

110.*2* Salvage materials. When any structure has been ordered demolished and removed, the *City or any Contractor authorized by the City,* shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL
(Deleted by City Ord.)

➡CHAPTER 2

DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *current edition of the Florida Building Code, Florida Plumbing Code, Florida Mechanical Code, Florida Fuel Gas Code, Florida Building Code Residential, Florida Existing Building Code, Florida Fire Prevention Code, the National Electrical Code NFPA 7, and City of Mount Dora Land Development Code*. Such terms shall have the meanings ascribed to them as in those codes.

201.4Terms not defined.
Where terms are not defined *herein or in the referenced Florida Codes shall have meanings defined in Webster's Third New International Dictionary of the English Language, Unabridged.*

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPINGUNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of *Twelve (12) inches*. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or

similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas of hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by

periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. *Year-round*, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every *screen* door *used for insect control* shall have a self closing device in good working condition. *(Dwellings with central air conditioning systems are exempt from insect screening.)*

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from witch egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1-inch (25mm). Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307
RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

307.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 308
EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior

property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

308.5 Occupant.
(Deleted by City Ord.)

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Florida Building Code shall* be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60- watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. *For purposes of the Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas.* Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room Area. Every living room shall contain at least 120 square feet, and every bedroom shall contain at least 70 square feet (6.5 m^2) *of habitable floor area. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant. For purposes of this subsection, "occupant" is defined as a person 18 years or older. Also for purposes of the Code, "habitable room" does not include space occupied by built-in equipment, including but not limited to wardrobes, cabinets, closets, utility spaces, storage areas, appliances, and other similar areas.*

a) At the time of the enactment of this Ordinance, dwelling units with bedrooms less than 70 square feet may be occupied by no more than one occupant per substandard sized bedroom.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.
(Deleted by City Ord.)

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endangers the life, health, safety, or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

[P] SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

[P] SECTION 503
TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Florida Plumbing Code* .

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C).A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] SECTION 507
STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Florida Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Florida Plumbing Code.*
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safeworking condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *National Electrical Code NFPA 70*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaries. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASTM A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASTM A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] SECTION 702
MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Florida Fire Prevention Code.*

702.2 Aisles. The required width of aisles in accordance with the *Florida Fire Prevention Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Florida Building Code.*

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703
FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704
FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *Florida Fire Prevention Code.*

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other

groups in accordance with the *Florida Fire Prevention Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Planning and Development
510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2023

TO: Historic Preservation Board

FROM: Michele Janiszewski, AICP, Senior Planner

RE: **Tab 5 – Discussion Item; Demolition by Neglect.**

The Historic Preservation Board requested staff to research how to prevent historic properties from succumbed to demolition by neglect. Demolition by neglect refers to the practice of allowing a building to deteriorate to the point that demolition becomes necessary or restoration becomes unreasonable. The practice has been used by property owners as a means of sidestepping historic preservation laws by providing justification for the demolition of historical buildings. In order to prevent demolition by neglect, a number of cities have adopted ordinances requiring property owners to properly maintain historical buildings.

Our Historic Preservation Ordinance does contain provisions for the enforcement of maintenance and repair. Land Development Code (LDC) Section 3.6.5 (4) states:

> *Where the board determines that any improvements within the exterior of a designated historic site, or within a designated historic preservation review area, are endangered by lack of ordinary maintenance and repair, or of deterioration, or that other improvements in visual proximity to a designated site or designated historic preservation review area are endangered by lack of ordinary maintenance, or of deterioration, to such an extent that it detracts from the desirable character of the designated historic site or designated historic preservation review areas, the board may request appropriate officials or agencies of the city government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws and regulations.*

Section 10-210, Article V, Chapter 10, Code of Ordinances, City of Mount Dora contains additional property maintenance requirements for abandoned real properties and states:

Sec. 10-210. - Maintenance requirements.

a) Properties subject to this division shall be kept free of overgrown weeds and brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

b) *The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.*
c) *Front, side, and rear yard landscaping shall be maintained in accordance with the city's standard at the time registration was required.*
d) *Landscape may include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, broken concrete, asphalt or similar material.*
e) *Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.*
f) *Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of this Code and the state building code, as amended from time to time.*
g) *Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of this Code and issuance of a citation or notice of violation/notice of hearing by a city's code enforcement officer. Pursuant to a finding and determination by the city's special magistrate, the city may take the necessary action to ensure compliance with this section.*

Abandoned real property is defined in our code as, "any property that is vacant and is under a current notice of default and/or notice of mortgagee's sale by the lender or a pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale."

Section 10-21 (a), Article II, Chapter 10, Code of Ordinances adopts the most current version of the International Property Maintenance Code published by the International Code Council with modifications.

With these provisions, Code Enforcement and Building Services are able to cite property owners for not maintaining their property under multiple provisions. The responding department would depend on the maintenance concern; Building Services enforces the Florida Building Code and Code Enforcement enforces the Land Development Code.

Staff is requesting direction from the Board on how to proceed with this matter.

Attachments: Four Imperatives for Preventing Demolition by Neglect (Newman & Saginor)
Summary of Florida Historic Preservation Law (McLendon)
City of Mount Dora Property Maintenance Code (2006)

Summary of Florida Historic Preservation Law

Timothy McLendon

University of Florida College of Law, Gainesville, Florida;
J.D., University of Florida, 1994;
A.B., Duke University, 1989.

I. Introduction

Historic preservation laws are a variation of the land use laws commonly employed by local governments. They differ from ordinary zoning in that the primary concern of a historic preservation ordinance is not density or usage, but maintaining the appearance of historic structures and the visual integrity of historic districts. In this way they are akin to aesthetic zoning, such as the regulation of signs. Even so, they are treated by the courts as a type of zoning or land use ordinance and are governed by the same constraints, whether political or legal.

This article sets forth an overview of historic preservation law in Florida, including a survey of the federal and state roles in historic preservation. However, local government ordinances remain the most important component in preserving historic resources, and a discussion of local land use regulations to protect and incentives to encourage historic preservation occupies the greater portion of this article. The reader is also referred to separate articles on constitutional issues related to historic preservation, on Florida's private property protection legislation, and on the related field of aesthetic zoning, all of which have a close relationship to the field of historic preservation.

II. Overview of Federal and State Roles in Historic Preservation

A. *Historic Preservation and the Federal Government*

Matters of historic preservation remain predominately the preserve of state and local governments. This is because of the essentially local nature of all land use decisions. Nevertheless, the federal government plays a limited though important role in historic preservation. The contribution of the federal government lies in two major areas: first, federal statutes, such as the National Historic Preservation Act, which set forth national policy on historic preservation and regulates the impact of federal projects on historically significant properties; and second, in the role played by certain federal agencies, most notably the National Park Service, as administrators of certain historic resources and coordinators of historic programs. A final federal issue is the use of federal income tax policy to promote historic preservation and rehabilitation.

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The National Historic Preservation Act (NHPA), 16 U.S.C. sections 470 - 470x-6, establishes the National Register of Historic Places and authorizes the Secretary of Interior to designate properties as historic landmarks, and to set forth criteria for landmark designation.[1] 16 U.S.C. § 470a (2008). Properties listed in the National Register enjoy certain federal procedural safeguards. The Act requires that any federal agency with direct or indirect control over proposed federal, federally-assisted or federally-authorized projects must consider the effects on any district or site included, or eligible to be included,[2] in the National Register before approving the expenditure of federal funds or granting any federal license or permit.[3] 16 U.S.C. § 470f (2008). The State Historic Preservation Officer means the official within each State designated by the Governor or a State statute to act as liaison for purposes of administering historic preservation programs within that State." 36 C.F.R. § 67.2. The State Historic Preservation Officer identifies and nominates properties to the National Register of Historic Places. 36 C.F.R. § 60.6; *see* § 267.061(5), Fla. Stat. (2008) (providing for the State Historic Preservation Officer). This process is known as Section 106 review. NHPA also establishes the State Historic Preservation Programs and provides for the certification of local governments' preservation programs by the National Park Service. The Certified Local Government Program will be discussed later in this work.

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[1] Sites and structures that qualify for the National Register are those: that are associated with events that have made a significant contribution to the broad patterns of [American] history; that are associated with the lives of persons significant in [that history]; or that embody the distinctive characteristics of a type, period, or method of construction . . . that represent the work of a master . . . that possess high artistic values, that represent a significant and distinguishable entity whose components may lack individual distinction, or that have yielded, or may be likely to yield, information important in prehistory or history. 36 C.F.R. § 60.4. These criteria, modified to suit local conditions and priorities, are included in many local historic preservation ordinances. *See, e.g.*, *Metropolitan Dade County v. P.J. Birds, Inc.*, 654 So. 2d 170 (Fla. 3d DCA) (upholding Dade County's preservation criteria, which were substantially the same as the National Register criteria). For a general discussion of federal laws and conventions impacting historic preservation, *see* Marilyn Phelan, *A Synopsis of the Laws Protecting Our Cultural Heritage*, 28 NEW ENG. L. REV. 63, 66-79 (1993).

[2] The NHPA was amended in 1976 to expand its application to property "eligible for inclusion" in the National Register. 16 U.S.C. § 470(f) (2008). Courts have ruled that eligible property includes any property which meets the National Register Criteria, regardless of whether it has been officially so designated. *Boyd v. Roland*, 789 F.2d 347, 349 (5th Cir. 1986).

[3] Section 106 of NHPA is limited in scope in that it only applies to federal agencies, and exempts states from coverage where no federal funding or permits are used. *See Lee v. Thornburgh*, 877 F.2d 1053, 1056 (D.C. Cir. 1989); *cf.* 16 U.S.C. § 470w(2). Section 106 review usually involves identification of properties protected by the Act and consultation with the Advisory Council on Historic Preservation and the local State Historic Preservation Officer on the best means of mitigating harmful effects to listed or eligible properties. In addition, most states, including Florida, have established a state equivalent to Section 106 review for projects involving state agencies or funding. *See* § 267.061(2), Fla. Stat. (2008) (Florida equivalent to the Section 106 review process).

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Two other federal laws significantly impact historic preservation. The National Environmental Policy Act (NEPA), codified at 42 U.S.C. sections 4321-70a, although first and foremost a natural environment protection act, also requires environmental impact statements for federal and federally-assisted projects which "significantly affect the quality of the human environment."[4] 42 U.S.C. § 4332(C) (2008). NEPA requires the federal government to "use all practicable means . . . to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may . . . preserve important historic, cultural and natural aspects of our national heritage."[5] *Id.* at 1563-64. 42 U.S.C. § 4331(b)(4) (2008). For more generally on NEPA and a discussion of cases involving impact statements, see Daniel R. Mandelker, NEPA Law and Litigation (1991); Sherry Hutt *et al*., Heritage Resources Law; Protecting the Archeological and Cultural Environment, 75-105 (1999); Joseph Z. Fleming & Paul C. Savage, *Analysis of the National Environmental Policy Act of 1969*, Florida Environmental and Land Use Law, 16-1 (Fla. Bar Envtl & Land Use L. Section, 2006).

The Department of Transportation Act, Section 4(f), 49 U.S.C. § 303, contains a further federal protection of historic resources. Applicable to federal or federally approved transportation projects, Section 4(f) prevents such projects where they would impact any historic site, public park, recreation area or wildlife refuge unless no feasible alternative exists to the project and unless the project minimizes harm to historic or natural resources.

NHPA, NEPA and Section 4(f) of the Department of Transportation Act are significant in requiring federal projects to mitigate any harm they would cause to historic resources, much as they seek to minimize harm to the natural environment. Nevertheless, most risks to historic resources do not involve federal projects, and for these, local and state protection is required.

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[4] NEPA establishes the Council on Environmental Quality (CEQ) to review government programs in light of the policies announced in NEPA. The CEQ has published guidelines for the preparation of Environmental Impact Statements in C.F.R. Part 1500.

[5] A recent NEPA case in Florida, *Protect Key West, Inc. v. Cheney*, 795 F. Supp. 1552 (S.D. Fla. 1992) involved a challenge to an Environmental Assessment (EA) prepared by the Navy on a proposed housing construction project in Key West close to the city's historic district. The federal district court found that the Navy's EA failed to meet the standards of NEPA. The court recited the standards evaluating the need for an Environmental Impact Statement under NEPA:

- whether the agency took a "hard look" at the problem;
- whether the agency identified the relevant areas of environmental concern;
- as to the problem studied and identified, whether the agency made a convincing case that the impact was insignificant; and
- if there was impact of true significance, whether the agency convincingly established that the changes in the project sufficiently reduced it to a minimum. *Id.* at 1559. The district court granted an injunction against construction of the project until the Navy completed a complying Environmental Assessment. *Id.*

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B. *The State Role in Historic Preservation*

The Florida Department of State, Division of Historical Resources is primarily responsible for state policy and programs. § 267.031, Fla. Stat. (2008). The Bureau of Historical Resources is responsible for Florida's preservation policy and for the cooperation and assistance provided to local governments.[6] The Bureau of Historical Resources also works with the National Park Service to run the Certified Local Government Program in Florida. The Certified Local Government Program was established under the National Historic Preservation Act, and is administered jointly by the National Park Service and state preservation offices. Under the NHPA, local governments which have established that historic preservation programs meeting certain federal and state requirements may participate in the Certified Local Government (CLG) program. Benefits of CLG participation include eligibility for special grants, technical assistance and training, participation in the National Register nomination process for local properties.[7] Every certified local government may apply to the Bureau of Historic Resources for grants from Florida's annual apportionment from the federal Historic Preservation Fund. Federal law requires that at least ten percent of the amount transferred annually to the State of Florida under the NHPA be distributed to certified local governments.[8] 16 U.S.C. § 470c.; §§ 267.0612, 267.0617, Fla. Stat. (2008); *see also* 1 Fla. Admin. Code R. 1A-35.005 (sources of grant funds for historic preservation grants-in-aid). Two categories of activities are funded by grants-in-aid from the Historic Preservation Trust Fund: Acquisition and Development Activities, and Survey and

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[6] § 267.031(5), Fla. Stat. (2008). The Bureau identifies and nominates properties for inclusion in the National Register of Historic Places and assists local governments with applications for listing. Finally, the Bureau of Historic Resources is charged with drawing up the historic preservation element of the Florida Comprehensive Plan and with working with the Department of Community Affairs to review Historic Preservation Elements of local comprehensive plans.

[7] General federal procedures for CLG certification are contained in 36 C.F.R. 61. The CLG program under the National Historic Preservation Act must be distinguished, however, from the certification of local historic districts or preservation ordinances for federal tax incentive purposes pursuant to 36 C.F.R. § 67.9.

[8] The Act also provides that whenever more than $65,000,000 is transferred to the states by the federal government, one half of these excess funds shall be transferred to certified local governments. *Id.* Procedures and specific requirements for applications by local governments for these grants-in-aid are found in *Florida Certified Local Government Guidelines*, Pt. C.3 (2002): 36 C.F.R. §§ 61.6, 61.7. In Florida, grants-in-aid are awarded by the Florida Historical Commission, which also awards funds from the state Historic Preservation Trust Fund. Monies transferred by the federal government to the state under NHPA are deposited in the Trust Fund, as are thirty percent of the corporation registration fees transferred from the Corporations Trust Fund and those funds authorized by the Division of Pari-Mutuel Wagering from charity racing days. *See* § 550.0351(2), Fla. Stat. (2008). The council may award grants-in-aid to state agencies, local governments, private organizations and corporations and individuals.

Other sources of grant funding to local governments include the Florida Main Street Program, which is administered by the Division of Historical Resources. Florida Main Street is intended to promote preservation and revitalization of historic downtowns in cities having a population of less than 50,000. *See* § 267.061(3)(g), Fla. Stat. (2008). Designated communities are eligible to receive special assistance grants, as well as technical assistance over a subsequent three-year period. The Secretary of State designates six Florida Main Street communities yearly.

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Planning Activities. The former category also includes such activities as restoration, rehabilitation, salvaging of archeological sites, and the preparation of drawings or photographs of threatened historic sites. The Survey and Planning Category of grants-in-aid includes community education and community relations projects which promote historic and archaeological preservation. Finally, the Division of Historical Resources also administers the Florida Main Street Program in cooperation with the National Trust for Historic Preservation. *See* § 267.031(5)(g), Fla. Stat. (2008).

III. Local Historic Preservation Programs

A. *Basis of Local Government Authority in Florida*

1. *HOME RULE*

The police power allows a state to legislate on any matter affecting public health, safety, morals, or welfare so long as the state does not impinge upon rights protected by the federal constitution or usurp a function exclusively federal in nature.[9] States have delegated power to local governments, both counties and cities. The Florida Constitution gives cities broad home rule powers.[10] Cities in Florida may act in any area where they are not forbidden to act by state law.[11]

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[9] *See, e.g., Lawton v. Steele*, 152 U.S. 133 (1894); *Coca-Cola Co., Food Div., Polk Cty. v. Department of Citrus*, 406 So. 2d 1079 (Fla. 1981), *appeal dismissed*, 456 U.S. 1002 (1982) (state may regulate in protected areas where there is a reasonable relationship to public safety, health, morals and the general welfare); *Hav-A-Tampa Cigar Co. v. Johnson*, 5 So. 2d 433, 437 (Fla. 1942) (private property rights are subject to the sovereign police power of the state to protect the safety, health, morals and general welfare of the public).

[10] Fla. Const. art. VIII, § 2. Municipalities. -
(b) POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

[11] Section 166.021, Florida Statutes, provides in relevant part:

> (1) As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

Cf. Boca Raton v. State, 595 So. 2d 25 (Fla. 1992) (municipalities may exercise any govt. or proprietary power for municipal purpose except those prohibited by law and municipalities may legislate on any matter appropriate, except for those specifically excluded by the Municipal Home Rule Act); *Ocala v. Nye*, 608 So. 2d 15 (Fla. 1992) (broad authorization for cities to legislate on any "valid municipal purpose"); *Miami Beach v. Forte Towers, Inc.*, 305 So. 2d 764, 766 (Fla. 1974) (Chapter 166 of the Florida Statutes is a "broad grant of power to municipalities in recognition and implementation of Art. VIII, § 2(b), Fla. Const."); *Lakeland v. State ex rel. Harris*, 197 So. 470 (Fla. 1940) ("municipal functions" are those granted for benefit of the community which promote comfort, convenience, safety, and happiness of citizens of the

Florida counties are either charter or noncharter counties. Charter counties "have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law." Fla. Const. art. VIII, § 1(g). Noncharter counties have "such power of self-government as is provided by general or special law." Fla. Const. art. VIII, § 1(f). The distinction between charter and noncharter counties is for the most part an academic one, for Florida law clearly gives cities and both charter and noncharter counties the power to adopt regulations designating districts and structures as historic and protecting them accordingly.[12] One further distinction between charter and noncharter counties is the status of county ordinances within incorporated municipalities inside the county. In a noncharter county, a conflicting municipal ordinance will prevail over a county ordinance within the municipality. Fla. Const. art. VIII, § 1(f). However, the county charter may specify that the ordinances of the county prevail in the event of a conflict with a municipal ordinance. Fla. Const. art. VIII, § 1(g).

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municipality, including proper care of streets, parks and public places, erection and maintenance of public utilities and improvements); *cf. Florida Dept. of Revenue v. City of Gainesville*, 918 So. 2d 250, 262-63 (Fla. 2005) (distinguishing "municipal purpose" under Article VIII, § 2(b) from the term as used in the tax provisions under Article VII, § 3(a)).

[12] For example, Section 125.01(1), Florida Statutes, delegates broad powers to all county governments. The act states:

> The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:
>
> . . .
>
> (f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities programs.
>
> (g) Prepare and enforce comprehensive plans for the development of the county.
>
> (h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
>
> (i) Adopt, by reference or in full, and enforce building, housing, and related technical codes and regulations.

The Florida Supreme Court, in *Speer v. Olson*, 367 So. 2d 207, 211-13 (Fla. 1978), suggested, in the face of lower court precedent to the contrary, that Chapter 125, Florida Statutes, operated as a complete grant of power to non-charter counties in the area of taxation. The Local Government Comprehensive Planning Act (§§ 163.3161 - .3217, Fla. Stat.), also empowers local governments to enact land use regulations, including historic preservation controls within the context of Florida's comprehensive planning structure.

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2. *HISTORIC PRESERVATION AND THE POLICE POWER*

Zoning and other land use regulations by local government are a function of the police power. The "police power," in its broadest sense, includes all legislation and almost every function of civil government. *Hunter v. Green*, 194 So. 379, 380 (Fla. 1940). Under the police power, the government may restrict the use of property in the interests of public health, morals, safety and public welfare. *Miami Beach v. Ocean & Inland*, 3 So. 2d 364, 366 (Fla. 1941); *Ehinger v. State ex rel. Gottesman*, 2 So. 2d 357, 359 (Fla. 1941) (any regulation under the police power must be done in a constitutional manner). Courts have found that zoning regulations are a valid use of the police power if they have some "substantial relationship" to the promotion of public health, safety, morals, or the general welfare of the community. *E.g.*, *Euclid v. Ambler Realty*, 272 U.S. 365, 395 (1926); *Gulf & Eastern Dev. v. Ft. Lauderdale*, 354 So. 2d 57, 59 (Fla. 1978); *State ex rel. Landis v. Valz*, 157 So. 651 (Fla. 1934) (comprehensive zoning falls within the constitutional scope of the police power); *Davis v. Sails*, 318 So. 2d 214, 218 (Fla. 1st DCA 1975) ("It is well settled that a zoning ordinance to be valid must bear a substantial relation to the public health, safety, morals or general welfare") (quoting *Miami Beach v. 8701 Collins Ave.*, 77 So. 2d 428, 430 (Fla. 1953)); *South Miami v. Hillbauer*, 312 So. 2d 241, 242 (Fla. 3d DCA 1975). Historic preservation has been explicitly recognized by the United States Supreme Court, *Penn Central Transp. v. New York City*, 438 U.S. 104, 107-08 (1978); *cf. Berman v. Parker*, 348 U.S. 26 (1954),[13] and many state courts as a valid use of the police power. *See*, *e.g.*, *P. J. Birds*, 654 So. 2d at 176; *Bohannon v. San Diego*, 106 Cal. Rptr. 333 (Ct. App. 1973); *Opinion of the Justices to the Senate*, 128 N.E.2d 557 (Mass. 1955).

B. *Historic Preservation and the Comprehensive Planning Process*

Section 163.3177, Florida Statutes, lists required and optional elements of comprehensive plans. Historic resources must be addressed in the Future Land Use and Housing Elements,[14] which are

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[13] Upholding aesthetic zoning in *Berman*, the Court made the following oft-quoted statement describing the breadth of the police power:

> The concept of the public welfare is broad and inclusive . . . The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully controlled.

Id. at 33. As to aesthetic controls generally, *see* CHRISTOPHER J. DUERKSEN, AESTHETICS AND LAND-USE CONTROLS: BEYOND ECOLOGY AND ECONOMICS (American Planning Ass'n Planning Advisory Serv. Rep. No. 399, 1986); Russell P. Schropp, *The Reasonableness of Aesthetic Zoning in Florida; A Look Beyond the Police Power*, 10 FLA. ST. U. L. REV. 441, 445-53 (1982).

[14] For the Future Land Use Element, Section 163.3177(6)(a), Florida Statutes, requires that "land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection." Expanding on this, rule 9J-5.006 of the Florida Administrative Code mandates, as a requirement for Future Land Use Goals, Objectives and Policies, that "[t]he element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(a), Florida Statutes, and which . . . 4. Ensure the protection of natural resources and historic resources."

For the Housing Element, Section 163.3177(6)(f), Florida Statutes, provides that element should consist of

mandatory in all comprehensive plans, and the Coastal Management Element,[15] required for coastal cities and counties. Historic preservation is also included as an additional optional element in its own right. § 163.3177(7)(i), Fla. Stat. (2008). This element, if included, should set out "plans and programs for those structures or lands in the area having historical, archaeological, scenic, or similar significance." Although this is an optional element in a local comprehensive plan, if it is included, it must be based on appropriate data, such as a survey or study of historical resources in the community. § 163.3177(8), Fla. Stat. (2008).

Thus, within Florida's Comprehensive Planning structure, every local government is required by law to address historic preservation in the comprehensive planning process even if they do not choose to have a separate historic preservation element. The community's policies and objectives with regard to historic resources are further required to be based upon a survey of those resources. This survey, if expanded to address all aspects of historic resources, is the proper basis for a historic preservation ordinance.

The statutory law requires that historic resources be addressed in the comprehensive planning stage by local governments. Yet, recent case law has also shown that courts view with favor the top-down planning structure imposed by comprehensive plans. A reviewing court will accord great weight to the factor that a particular ordinance or administrative action taken pursuant to an ordinance is consistent with a comprehensive plan. *See, e.g.*, *Board of Cty. Comm'rs v. Snyder*, 627 So. 2d 469, 476 (Fla. 1993); *Machado v. Musgrove*, 519 So. 2d 629, 633 (3d DCA 1987), *rev. denied*, 529 So. 2d 693 (Fla. 1988); *Coastal Dev. of N. Fla., Inc. v. City of Jacksonville Beach*, 788 So.2d 204, 208-09 (Fla. 2001). A comprehensive plan provides legitimacy and further standards for an administrative body, such as a preservation commission.

In these circumstances, it is anomalous for historic preservation law in Florida to stand outside the comprehensive planning structure already favored by the courts and the legislature.

"standards, plans, and principles to be followed in . . . e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement." *See* Fla. Admin. Code R. 9J-5.010(1)(g) which requires that the Housing element be based on, among other factors, "[a]n inventory of historically significant housing listed on the Florida Master Site File, National Register of Historic Places or designated as historically significant by or in accordance with local ordinance, and shall include their generalized locations."

[15]. The Coastal Management Element includes a requirement that the local government set forth policies "that shall guide the local government's decisions and program implementation with respect to the following objectives: . . . 10. Preservation, including sensitive adaptive use of historic and archaeological resources." § 163.3177(6)(g)1.j, Fla. Stat. (2008). The Coastal Management Element is required for all those cities and counties identified in Section 380.24, Florida Statutes, as coastal. *Id.* Implementing this section, administrative regulations require that "[a]n inventory and analysis of the impacts of development and redevelopment proposed in the future land use element on historic resources and sites in the coastal planning area shall be included along with a map of areas designated for historic preservation." Fla. Admin. Code R. 9J-5.012(2)(c).

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This is especially so given the tendency of Florida courts to view all forms of land regulation similarly in terms of procedural requirements. A historic preservation element within the local comprehensive plan will not save an otherwise unjustifiable action, but where local governments can show that decisions are consistent within the framework of a properly adopted comprehensive plan, these decisions are less likely to be struck down by a reviewing court.

C. *Local Historic Preservation Ordinances*

Though significant variations exist within historic preservation ordinances, there are some features common to all. Commentator Richard J. Roddewig identifies ten basic components contained in most ordinances: (1) A statement of purpose for the ordinance; (2) A statement of powers and authorities; (3) Creation of a historic preservation commission; (4) Criteria for designation of landmarks and/or historic districts; (5) Procedures and criteria for nomination and designation of landmarks; (6) Types of actions that are reviewable by the preservation commission and the legal effect of the review; (7) The criteria applied by the commission to the action reviewed; (8) Consideration of the economic effect of designation or review of an action; (9) Procedures for appeals from a preservation commission decision; and (10) Fines and penalties for violation of ordinance provisions. *See* Richard J. Roddewig, Preparing a Historic Preservation Ordinance 7 (American Planning Ass'n Planning Advisory Serv. Rep. No. 374, 1983); Constance Epton Beaumont, A Citizen's Guide to Protecting Historic Places: Local Preservation Ordinances (Nat'l Trust, 1992).

There are reasons for the similarities. General requirements for certification of local historic preservation programs are contained in 36 C.F.R. § 61.5(c). More explicit criteria are found in Section B of *Florida Certified Local Government Guidelines*, promulgated by the Bureau of Historic Preservation.[16]

[16]. Incorporated by reference in Fla. Admin. Code R. 1A-38.007 (1997). According to these requirements, any local government seeking to certify its historic preservation program must adopt an historic preservation ordinance which includes the following provisions:

- A purpose clause which authorizes a preservation commission to designate and protect historic properties.
- Criteria for designation which are the same as or similar to those contained in NHPA for designation of Properties to the National Register.
- Clear boundaries for any historic districts or landmarks, or establishment of a mechanism to do this.
- Authority for review of all alterations, relocations, demolitions or new construction within a historic district or of historic landmarks, and procedures for that review. However, the ordinance shall provide only for a delay of demolition, **not** an indefinite stay of proposed demolition.
- Criteria for reviewing alteration, relocation, demolition and construction proposals equivalent to those contained in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
- Enforcement and penalty provisions, along with an appeals process.
- A time frame for the review of proposals and the consideration of alternatives by the local commission.

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These guidelines also include some requirements applicable to the historic preservation commissions established by local ordinances. An appointed commission should contain at least five members with skills in architecture, history, architectural history, planning, archaeology, urban planning or other historic preservation-related fields.[17] *Florida Certified Local Government Guidelines* Pt. B.2.c. (2002) (available from the Bureau of Historic Preservation). The commissions are responsible for reviewing proposed alterations or demolitions, as well as nominations to the National Register within a set time frame. The commissions should be provided with sufficient staff to enable them to carry out their work, and should survey local resources.[18]

D. *Administrative Review Boards*

Article II, Section 3, Florida Constitution, provides for the division of state government into legislative, executive and judicial branches, and further provides that, "No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein." Accordingly, courts are vigilant to guard against unlawful delegation of powers by one branch of government to another branch, and likewise against any encroachment by one branch on the powers rightfully exercised by another branch. In historic preservation, as in most local land use regulations, the separation of powers usually involves possible unlawful delegation of powers by the legislative body or usurpation of powers deemed judicial in nature.

- Public and owner notification, and public hearings regarding designation of historic properties and review of applications.

Florida Certified Local Government Guidelines Pt. B.1. (2002) (available from the Bureau of Historic Preservation). The Certified Local Governments may be eligible for a number of federal and state grants and technical assistance, as well as participation in the National Register nomination process. *See* 36 C.F.R. 61. For an excellent recent review of Florida's Certified Local Government Program, and a comparison with non-certified ordinances, see George B. Abney, *Florida's Local Historic Preservation Ordinances: Maintaining Flexibility While Avoiding Vagueness Claims*, 25 FLA. ST. U. L. REV. 1017, 1032-38 (1998).

[17] The importance of expertise on administrative boards has been frequently noted by courts. *See, e.g., Maher v. New Orleans*, 516 F.2d 1051, 1062 (5th Cir. 1975), *cert. denied*, 426 U.S. 905 (1976); *Estate of Tippett v. Miami*, 645 So. 2d 533, 537 (Fla. 3d DCA 1994) (Gersten, J., concurring) (approving the inclusion of experts such as an architect, landscape architect, historian, architectural historian, real estate broker as an important procedural safeguard on Miami's historic preservation board). The Guidelines provide that smaller communities (those with a population of less than 10,000) may employ a three member commission. Where possible, commission members should be residents of the community. *See Florida Certified Local Government Guidelines*, at Pt. B.2.

[18] *See Florida Certified Local Government Guidelines*, at Pt. B.2. Preservation commissions must meet publicly, at least four times a year, and records must be available to the public. *Id.* Pt. B.4. Preservation commissions must also comply with the notification standards contained in 36 C.F.R. §§ 60.6(c)-(d) for nominations to the National Register. *Id.*

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This issue of unlawful delegation may arise whenever a local government delegates its discretionary, legislative authority. *See* Julian Conrad Juergensmeyer, Florida Land Use Law: Development, Growth Management, Subdivisions, and Zoning § 2.05(D) (1999). Legislative authority may be lawfully delegated to an appropriate entity if adequate standards are provided.[19] *Askew v. Cross Keys Waterway*, 372 So. 2d 913, 924 (Fla. 1978); *P.J. Birds*, 654 So. 2d at 175-76; *cf. Chiles v. Children*, 589 So. 2d 260, 268 (Fla. 1991) ("The Legislature can delegate functions so long as there are sufficient guidelines to assure that the legislative intent is clearly established and can be directly followed. . . . What the Legislature cannot do is delegate the policy-making responsibility."); *see also State ex rel. Palm Beach Jockey Club v. Florida State Racing Comm'n*, 28 So. 2d 330 (Fla. 1946). *P. J. Birds*, *supra*, is important for upholding Dade County's historic preservation ordinance against an unconstitutional delegation attack. The Third District Court of Appeal, in *P.J. Birds*, found that Dade County's use of the National Register Criteria for historic landmark designation provided sufficient guidance to a preservation board, and upheld use of these criteria, finding that the generally recognized standards in the field of historic preservation provide sufficient basis for a case-by-case application of preservation laws. *Id.* at 177-78.

Traditionally, a zoning or land use ordinance which applies to the community as a whole is a legislative action. *Snyder*, 627 So. 2d at 474; *Gulf & E. Dev. Corp.*, 354 So. 2d at 59; *Josephson v. Autrey*, 96 So. 2d 784, 788 (Fla. 1957); *D.R. Horton, Inc.-Jacksonville v. Peyton*, 959 So.2d 390, 393-94 (Fla. 1st DCA 2007) (distinguishing legislative from other quasi-judicial acts). These legislative decisions will not be overturned by a court absent a showing that the legislative body has exceeded its powers or acted in an arbitrary and unreasonable manner.[20] Quasi-judicial, or adjudicative, actions apply general law to specific cases.[21] Full due process requirements apply to these adjudicative actions.

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[19] A local board or commission, may exercise quasi-judicial powers, but will be prohibited from usurping powers truly judicial in nature. Thus, courts have found that an executive board or a commission has powers to hold hearings, make factual determinations, and impose certain quantifiable damages. They do not have the power to impose nonquantifiable damages or injunctions, which are fundamentally judicial in nature. *Laborers' Int'l Union v. Burroughs*, 541 So. 2d 1160, 1163-64 (Fla. 1989); *Broward County. v. LaRosa*, 505 So. 2d 422, 424 (Fla. 1987).

[20] Courts presume the validity of legislative actions. *Executive 100 v. Martin Cty.*, 922 F.2d 1536, 1541 (11th Cir. 1991); *Town of Indialantic v. McNulty*, 400 So. 2d 1227, 1230 (Fla. 5th DCA 1981); *see Miami Beach v. Ocean & Inland Co.*, 3 So. 2d 364, 366 (Fla. 1941), where the Florida Supreme Court stated:

> We will determine the reasonableness of the regulations as applied to the factual situation meanwhile keeping before us the accepted rules that the court will not substitute its judgment for that of the city council; that the ordinance is presumed valid . . . and that the legislative intent will be sustained if "fairly debatable."

[21] One commentator provided the following helpful test to distinguish quasi-judicial from legislative actions:

> Basically, this test involves the determination of whether action produces a general rule or policy which is applicable to an open class of individuals, interest[s], or situations, or whether it entails the application of a general rule or policy to specific

The increasing importance of comprehensive planning has given a broader context to all zoning decisions. The Florida Supreme Court, in *Snyder*, 627 So. 2d at 474, while recognizing that large-scale or comprehensive rezonings were legislative functions entitled to the traditional high degree of deference, found small-scale rezonings to be quasi-judicial actions. "Rezoning" has been broadly interpreted by Florida courts, such that the due process requirements for rezoning apply whenever the use of property is "substantially restricted" by local government action. *Gainesville v. GNV Inv.*, 413 So. 2d 770, 771 (Fla. 1st DCA 1982); *Sanibel v. Buntrock*, 409 So. 2d 1073, 1075 (Fla. 2d DCA 1981).

This is relevant to historic preservation because most such programs involve the establishment by the local government of an administrative board to implement the preservation ordinance passed by the legislative body. The preservation board acts as a quasi-judicial body.[22] Thus, zoning ordinances implementing comprehensive zoning, and by extension, historic preservation ordinances establishing historic preservation commissions are legislative functions. Small-scale rezonings, the designation of historic landmarks or districts by a preservation commission, or the denial or approval of applications to alter or demolish listed buildings are usually quasi-judicial functions.

E. *Designation of Historic Districts and Individual Landmarks*

1. *PREDESIGNATION SURVEYS*

Historic preservation needs to be more than a vague community wish. It needs to reflect community priorities in order to be effective. A better understanding of historic resources can be achieved through the sort of survey required for the historic preservation element of a comprehensive plan, and for the future land use, housing and coastal management elements of the comprehensive plan, all of which require local government to address historic resources. The

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> individuals, interests or situations. If the former determination is satisfied, there is legislative action; if the latter determination is satisfied, the action is judicial.

Michael S. Holman, Comment, *Zoning Amendments - The Product of Judicial or Quasi-Judicial Action*, 33 OHIO ST. L. J. 130, 137 (1972). This passage was quoted in the important land use decision *Fasano v. Board of Cty. Comm'rs*, 507 P.2d 23, 27 (Or. 1973) (en banc), which first applied this distinction to land use rezonings. *Cf. Bi-Metallic Investment Co. v. Board of Equalization*, 239 U.S. 441, 445 (1915) (often considered the source of the legislative-judicial distinction); *Synder*, 627 So. 2d at 474 (quoting *West Flagler Amusement Co. v. State Racing Comm'n*, 165 So. 64, 65 (Fla. 1935)); *Machado v. Musgrove*, 519 So. 2d 629 (3d DCA 1987), *rev. denied*, 529 So. 2d 693 (Fla. 1988); *see also Fasano*, 507 P.2d at 30.

[22] This is also the case with many zoning functions, which are often delegated to an independent zoning or planning board. *See Gulf & E. Dev. Co.*, 354 So. 2d at 59-60 (city ordinance invested the zoning and planning board with interim zoning authority, subject to approval by the city commission, and the zoning and planning board was responsible for factfinding for matters ultimately decided by the city commission).

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survey forms a basis for the designation of individual buildings or particular districts as historic, and is a useful tool to support designation should this be challenged in court. *See, e.g.*, *Bohannon v. San Diego*, 106 Cal. Rptr. 333 (Ct. App. 1973) *A-S-P Assoc. v. Raleigh*, 258 S.E.2d 444, 458 (N.C. 1979); *Maher v. New Orleans*, 516 F.2d 1051, 1063 (5th Cir. 1975), *cert. denied*, 426 U.S. 905 (1976); 1063. The survey of historic resources is also required for participation in the Certified Local Government Program. See *Florida Certified Local Government Guidelines* Pt. B.3.b.

2. *STANDARDS AND CRITERIA FOR DESIGNATION*

Many ordinances rely on the criteria promulgated by the National Park Service for inclusion in the National Register as the basis for historic delegation in their ordinances.[23] These criteria are substantially the same as those included in Dade County's historic preservation ordinance, recently upheld by the Florida Third District Court of Appeals in *P.J. Birds*, 654 So. 2d at 170. This positive review by a Florida court makes a local adaptation of the National Register criteria, like that used in Dade County, very attractive.

As an interim measure, a historic preservation ordinance should also provide protection for properties pending designation as landmarks or within a likely historic district. This will prevent an owner from preempting the local protection by seeking a demolition permit. The interim prohibition should set a time period for review during which demolition permits will not

[23] The National Register criteria are:

> **National Register criteria for evaluation.** The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and
> (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
> (b) that are associated with the lives of persons significant in our past; or
> (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
> (d) that have yielded, or may be likely to yield, information important in prehistory or history.
> **Criteria considerations.** Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

be granted.[24] *See Dallas v. Crownrich*, 506 S.W.2d 654 (Tex. Civ. App. 1974) (upholding authority of city to impose a moratorium on building permits pending the designation of a historic district).

3. *HISTORIC DISTRICT ISSUES*

Historic districts may be formed either as a traditional zoning district or as a special overlay district. If formed as a zoning district, it regulates uses permitted within the historic district, as well as controlling alteration or demolition of structures. An overlay district, by contrast, sits over an existing zoning district.[25] Thus, where land is otherwise zoned residential or commercial, it retains its permitted usage with the additional criteria imposed for the alteration or demolition of structures within the district.

Either of these two forms of historic preservation is acceptable in Florida. Note, however, that where a special zoning district is established which also controls land usage, the designation of land usage is held to be a legislative function that cannot be delegated to an administrative body, but must be reserved to the local governing body. *Josephson*, 96 So. 2d 784

> (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
> (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
> (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
> (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
> (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as a part of a restoration master plan, and when no other building or structure with the same association has survived; or
> (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
> (g) A property achieving significance within the past 50 years if it is of exceptional importance.

36 C.F.R. § 60.4.

[24] In other land use matters, Florida courts have upheld moratoria on building permits when land use decisions are pending. *See, e.g., Franklin County v. Leisure Properties*, 430 So. 2d 475 (1st DCA), *pet. denied*, 440 So. 2d 352 (Fla. 1983); *GNV Inv.*, 413 So. 2d at 771-72 (requiring notice for proposed moratoria); *Sanibel v. Buntrock*, 409 So. 2d 1073 (2d DCA 1981), *rev. denied*, 417 So. 2d 328 (Fla. 1982).

[25] The preservation ordinance may also regulate non-historic structures within the historic district. *See Faulkner v. Town of Chestertown*, 428 A.2d 879 (Md 1981) (upholding regulation of non-historic properties within Annapolis historic district); *A-S-P Assoc.*, 258 S.E.2d at 451.

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(Fla. 1957). For this reason, the overlay district, which permits designation and administration by a preservation board, may be preferable.

4. *LANDMARK DESIGNATION*

In addition to historic districts, courts have upheld the designation of individual structures as historic landmarks. *See, e.g.*, *Penn Central*, 438 U.S. 104 (1978); *St. Bartholomew's Church v. New York City*, 914 F.2d 348 (2d Cir. 1990), *cert. denied*, 499 U.S. (1991). Historic preservation ordinances commonly provide for the protection of both historic districts and isolated structures deemed historically significant.

The risk, in designating a single structure as a landmark, is the avoidance of "spot zoning." Spot zoning involves the arbitrary zoning or rezoning of a single parcel of land in a way that is inconsistent with the comprehensive land use plan and in a way that either uniquely burdens or unfairly benefits the individual landowner whose parcel is rezoned.[26] If, however, the local government can show that the rezoning action with regard to the individual property is in accord with the comprehensive plan and otherwise in the public interest, the rezoning action, including landmark designation, is not an improper spot zoning. *Penn Central*, 438 U.S. at 132; *see also Miles v. Dade County*, 260 So. 2d 553 (Fla. 3d DCA 1972). Thus, especially in the case of individual landmarks, both a historic preservation element in the comprehensive plan and a thorough survey of local historic resources is important to protect the government action.

5. *AFFIRMATIVE MAINTENANCE REQUIREMENTS*

Demolition by neglect may occur if a landowner deliberately neglects a protected structure in the hope of obtaining a permit for demolition when the structure finally reaches a state where it jeopardizes public safety. A well drafted historic preservation ordinance should prohibit owners from allowing protected structures to so deteriorate as to endanger the building or even detrimentally affect the surrounding historic district. Courts have upheld reasonable requirements for landowners to maintain their property.[27] *See, e.g.*, *Maher*, 516 F.2d at 1066-67. The

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[26]. In *Penn Central*, the Court rejected a charge that the New York City landmark ordinance amounted to improper spot zoning, noting:

> In contrast to discriminatory zoning, which is the antithesis of land-use control as part of some comprehensive plan, the New York City law embodies a comprehensive plan to preserve structures of historic or aesthetic interest wherever they may be found in the city.

438 U.S. at 132.

[27]. In *Maher*, the Fifth Circuit Court of Appeals noted that:

> Once it has been determined that the purpose of the Vieux Carre legislation is a proper one, upkeep of buildings appears reasonably necessary to the accomplishment of the goals of the ordinance . . . . The fact that an owner may incidentally be

ordinance should empower the preservation board, in the event of a listed property being dangerously neglected, to order necessary repairs and charge these to the landowner or charge them as a lien upon the property.

F. *Permit Reviews*

1. *REGULATION OF NEW CONSTRUCTION, ALTERATION OR DEMOLITION*

Any historic preservation ordinance should establish a permitting process for alteration or modification of listed properties.[28] This permitting should be coordinated with other local authorities so that other permits are only given when the preservation board has issued a "certificate of appropriateness," signifying its approval of the requested action. A similar procedure should require the preservation board to review requests to demolish listed properties, and contributing structures within historic districts. The preservation board should ideally have the power to prevent, not merely delay, demolition of listed properties.

2. *ECONOMIC HARDSHIP PROVISIONS*

Local governments can help avoid constitutional takings challenges to the application of their historic preservation ordinances through economic hardship and variance provisions. *See Nance v. Indiatlantic*, 419 So. 2d 1041 (Fla. 1982) (prerequisite for granting a zoning variance is the presence of an exceptional and unique hardship to the individual landowner); *Miami-Dade County v. Brennan*, 802 So. 2d 1154, 1155-56 (Fla. 3d DCA 2001) (Fletcher, J., concurring) (discussing the "unnecessary hardship" standard for variances). These will allow local officials to examine whether the application of the ordinance will allow the owners of property some "reasonable return" on their investment.[29]

> required to make out-of-pocket expenditures in order to remain in compliance with an ordinance does not per se render that ordinance a taking.

Id.; *cf. Buttnick v. Seattle*, 105 Wash. 2d 857, 719 P.2d 93 (1986) (upholding minimum maintenance requirement). *See also* the related article by John McPherson, discussing constitutional issues and historic preservation. *See generally Note, Affirmative Maintenance Provisions in Historic Preservation: A Taking of Property*, 34 S.C. L. REV. 713 (1983).

[28] Many communities use the *Secretary of the Interior's Standards for Rehabilitation* as a starting point for providing criteria to guide both landowners and commissions in approving renovations. This should be supplemented by locally applicable design guidelines, taking into account local history and architecture. *See, e.g., Society for Ethical Culture v. Spatt*, 416 N.Y.S.2d 246, 249-50 (N.Y. App. Div. 1979), *aff'd*, 415 N.E.2d 922 (N.Y. 1980); *A-S-P Associates*, 258 S.E.2d at 453-54.

[29] Matters for consideration in economic hardship cases may include: (1) Past and current use of the property; (2) Original purchase price; (3) Assessed value; (4) Recent appraised value; (5) Current mortgage principal balance and interest rate; (6) Past income and expenses; (7) Ownership structure (partnership, corporation, etc.); and (8) Tax

3. *PENALTIES*

As with any land use law, a historic preservation ordinance must be enforced if it is to effectively protect local historic resources. Courts have upheld penalties properly imposed for violating historic preservation ordinances, including fines, requirements to restore landmarks altered without permission, and denial of permits to build or rebuild. *See, e.g.*, *Parker v. Beacon Hill Architectural Comm'n*, 27 Mass. App. Ct. 211, 536 N.E.2d 1108 (1989) (upholding requirement that owner remove a partially completed fifth story addition constructed in violation of Boston preservation ordinance).

IV. Incentives and Alternative Tools for Historic Preservation

Landowners in historic districts should be informed that the listing of historic buildings, along with the requirements of maintenance for neighboring buildings, often works to raise the value of land in the district. Accompanying sweeteners, in the form of local *ad valorem* tax incentives and, where practical, transferrable development rights, will give property owners reasons to accept historic preservation. The possibility of federal tax credits for rehabilitation of income-producing property is another incentive, one which may soon also be available to homeowners. These benefits conferred by historic designation may be important should the ordinance or its application be challenged either as a confiscatory taking, or under the Florida Property Rights Protection Act.

A. *Tax Relief*

1. *FEDERAL TAX EXEMPTIONS FOR HISTORIC PRESERVATION*

A further federal contribution to historic preservation is tax relief for the rehabilitation of historic properties,[30] and for the establishment of conservation easements.[31] Federal tax benefits remains

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bracket of ownership. RICHARD J. RODDEWIG & CHRISTOPHER J. DUERKSEN, RESPONDING TO THE TAKINGS CHALLENGE: A GUIDE FOR OFFICIALS AND PLANNERS 34 (American Planning Ass'n Planning Advisory Serv. Report No. 416, 1989). This report also contains a useful administrative procedure guide to help avoid takings challenges. *See also Zaruba v. Village of Oak Park*, 695 N.E.2d 510 (Ill. App. 1998) (upholding denial of demolition permit where owner of house in historic district failed to demonstrate economic hardship).

[30] Rehabilitation tax credit is allowed for "qualified rehabilitation expenditures" on qualified buildings. I.R.C., 26 U.S.C. § 47(a) (2008). *See generally* STEPHEN L. KASS ET AL., REHABILITATING OLDER AND HISTORIC BUILDINGS 4-15 (1993).

[31].I.R.C., 26 U.S.C. § 170(h) allows a federal income, gift and estate tax deduction for a "Qualified Conservation Contribution." A "Qualified Conservation Contribution" means a gift (A) of a qualified real property interest; (B) to a qualified organization; made (C) exclusively for conservation purposes. *Id.*; *see* KASS, *supra*, at 24-33.

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a factor in encouraging property owners to preserve and renovate rather than to destroy and rebuild. The rehabilitation tax credit is of two types: 1) a 20% credit for qualified expenditures on rehabilitating certified historic structures; or 2) a 10% credit for qualified expenditures on rehabilitating non-historic structures placed in service prior to 1936.[32] Although the 1986 tax code revisions substantially lessened the federal tax benefits for rehabilitation, both rehabilitation tax credits continue to be a significant incentive and reward for rehabilitation of mainly non-residential properties. Likewise, the federal tax code allows a federal income, gift or estate tax deduction for "qualified conservation contributions" toward the establishment of conservation easements.[33] The conservation easement deduction is another factor in encouraging property owners to preserve and renovate rather than destroy and rebuild.

2. *LOCAL AD VALOREM TAX EXEMPTIONS FOR HISTORIC PRESERVATION*

An amendment to the Florida Constitution, approved by Florida voters in November 1992, allowed counties or municipalities to enact ordinances allowing ad valorem tax exemptions "to owners of historic properties." Fla. Const. art. VII, § 3(e). A requirement that the owners be actively engaged in renovation in order to receive the tax exemption was removed by an amendment to Article VII, Section 3(e), adopted by the voters in November 1998, and became effective January 1, 1999. Legislation enacted since 1992 provides for these tax exemptions. *See* §§ 196.1961, 196.1997, 196.1998, Fla. Stat. (2008).

There are three types of local tax exemptions for historic preservation. Section 196.1961, Florida Statutes, authorizes local governments to enact an ordinance providing exemptions from property taxes for up to 50% of the assessed value of property that is: 1) used for commercial purposes or by a non-profit organization; 2) listed in the National Register, designated as a local landmark or part of a National Register or local historic district; and 3) regularly open to the public.

Section 196.1997, Florida Statutes, is the main law governing these tax exemptions. The statute is not self-executing, but requires counties or municipalities to enact a specific ordinance

[32] I.R.C., 26 U.S.C. § 47(a) (2008). The "historic building" for which the 20% rehabilitation credit applies, include structures on or eligible for inclusion on the National Register, contributing structures within a National Register District, or is part of a substantially equivalent local district (*e.g.*, one which meets CLG Guidelines). I.R.C., 26 U.S.C. § 47(c)(3) (2008). The rehabilitation must be certified as consistent with the *Secretary of the Interior's Standards for Rehabilitation* by the State Preservation Officer and the Department of the Interior. I.R.C., 26 U.S.C. § 47(c)(2). Both the 20% historic rehabilitation credit and the 10% rehabilitation credit apply only for property held for investment or trade, or residential rental property. I.R.C., 26 U.S.C. § 47(c)(2) (2008). For more on the Federal rehabilitation tax credits, see KASS, *supra* at 4-15.

[33] A "Qualified Conservation Contribution" means a gift (A) of a qualified real property interest; (B) to a qualified organization; made (C) exclusively for conservation purposes. I.R.C., 26 U.S.C. § 170(h) (2008); *see* KASS, *supra*, at 24-33.

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allowing the tax exemption. § 196.1997(1), Fla. Stat. (2008). Exemptions apply to improvements to the property resulting from "restoration, renovation, or rehabilitation" of the property. § 196.1997(2), Fla. Stat. (2008). These "improvements" must be carried out in accordance with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties*, and be so certified by the local preservation board. § 196.1997(12), Fla. Stat. (2008). The exemption may apply only to improvements made on or after the day on which the tax exemption ordinance is adopted.

The ordinance must state the type and location of properties which qualify for the exemption. § 196.1997(3), Fla. Stat.. Property which may qualify includes National Register property, contributing property within a National Register district, or property designated historic or contributing under a local preservation ordinance. § 196.1997(11), Fla. Stat. (2008). The ordinance may limit the application of the exemption only to particular locations within the county or municipality. § 196.1997(3), Fla. Stat. (2008).

The exemption applies only to those *ad valorem* taxes imposed by the governmental unit which actually enacts the ordinance. § 196.1997(4), Fla. Stat. (2008). Thus, where the county, but not the city, enacts such an exemption, a property owner would receive the exemption with regard to county taxes, but not property taxes levied by the city or school board. The exemption lasts for up to ten years, and the property must retain its historic character and the improvements for this ten-year period. § 196.1997(5), Fla. Stat. (2008).

The local preservation board (or the State Division of Historic Resources depending on the terms of the ordinance) must review applications for the exemptions and recommend granting or denying the application, and must provide reasons for the recommendation. § 196.1997(6), Fla. Stat. (2008). The preservation board reports to the local government, which must enact the specific exemption in the form of a resolution or ordinance by majority vote. § 196.1997(10), Fla. Stat. (2008). Applicants for the exemption must covenant with the local government for the term of the exemption to maintain the historic character of the property and the qualifying improvements. An owner who subsequently violates this covenant will be liable for the amount of the exemption for each of the previous years in which it was in effect plus interest. § 196.1997(7), Fla. Stat. (2008).

If the local government votes to approve an ad valorem tax exemption, it takes effect on January 1 of the following year. § 196.1997(10), Fla. Stat. (2008). The resolution approving the tax exemption must include the name of the owner, the location of the property, the duration and expiration date of the exemption, and a finding that the property qualifies for the exemption under the statute.

Section 196.1998, Florida Statutes, provides additional tax exemptions for historic properties that are open to the public. The property must qualify for the exemption under Section 196.1997. There are additional requirements: (1) the property must be used for non-

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profit or governmental purposes;[34] (2) the property must be "regularly and frequently open for the public's visitation, use, and benefit";[35] and (3) the improvements to the property must be made by or for the use of the current owner of the property. § 196.1998(1), Fla. Stat. (2008). If these additional requirements are met, and if the assessed value of the improvements to the property as a result of rehabilitation or restoration equals fifty percent of the total assessed value of the property, the local government may authorize an exemption equal to 100% of the property's improved, total assessed value.[36]

B. *Conservation Easements*

Conservation easements have become a useful tool in historic preservation.[37] Although easements developed under common law, conservation easements for environmental and historic preservation purposes are statutory creations.[38] The interest created is not a possessory or usage right, but rather the right of the easement holder to require the owner to maintain the historic character of the property.[39]

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[34] "[A] property is being used for government or nonprofit purposes if the occupant or user of at least 65 percent of the useable space of a historic building or of the upland component of an archaeological site is an agency of the federal, state, or local government, or a [registered] nonprofit corporation." Fla. Admin. Code r. 1A-38.004(4).

[35] Regularly open for public use is defined by the regulations as being available for public access for at least 52 days in the year. Owners are allowed to charge an entrance fee. Fla. Admin. Code r. 1A-38.004(5).

[36] *Id.* As with the regular historic property tax exemption, this additional exemption applies only to improvements made on or after the day on which the exemption is granted.

[37] *See generally* Thomas A. Coughlin, *Easements and Other Legal Techniques to Protect Historic Property in Private Ownership*, 6 PRES. L. REP. 2031 (1987-88).

[38] *See* § 704.06, Fla. Stat. (2008) (providing for the creation, acquisition and enforcement of conservation easements). According to Section 704.06(1), Florida Statutes, a conservation easement means:

> a right or interest in real property which is appropriate to . . . retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits any of the following:
> (h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of [historic sites].

[39] § 704.06(4), Fla. Stat. (2008). The easement holder has the right to enter and inspect the subject property at reasonable times to ensure that the terms of the easement are complied with. The statute provides that the conservation easements run with the land, which means they are retained in the event the land is sold. Conservation easements may be "created or stated in the form of a restriction, easement, covenant, or condition in any deed, will or other instrument . . . or in any order of taking," but because they are real property interests they must be recorded in the county records office to give notice of the restrictions. The owner of the easement, which may be the local government or a charitable organization, can enforce the easement in court. The statute also provides for third-party

As a minimum, a conservation easement should ensure that the exterior is maintained and allow the holder of the easement to review and approve changes. They may also provide for the preservation of a historic interior. The easement should provide for compatible usage and control further development. By way of an incentive, Florida law allows dedicated properties to benefit by assessing them at a lower rate for tax purposes. *See* §§ 193.501, 193.503, 193.505, Fla. Stat. (2008). This reduces the property taxes due for these subject properties. Additional valuable incentives for the use of conservation easements are provided by the federal government. Donors of conservation easements may be eligible to take a charitable contribution deduction on federal income, estate or gift taxes for the value of easements donated to a tax-exempt charitable organization for "conservation purposes." I.R.C., 26 U.S.C. § 170(h) (2008); *see also* Harwell E. Coale, III, *Conservation Easements as Qualified Conservation Contributions*, 79 Fla. Bar J. 16 (Oct. 2005) (discussing qualified organizations and qualified conservation purposes under the Internal Revenue Code).[40]

C. *Transferable Development Rights*

Transferable development rights (TDRs) are an increasingly popular means of mitigating the effects of land use regulations upon single owners. *See* § 163.3202(3), Fla. Stat. (2008) (specifically encouraging communities to make use of "innovative land development regulations" such as TDRs). The purpose of TDRs is to lessen "wipeouts" caused by government regulations. A wipeout is "any decrease in the value of real estate other than one caused by the owner or by general deflation." Julian Conrad Juergensmeyer & Thomas E. Roberts, Land Use Planning & Development Regulation Law § 9.10 (2nd ed., 2007). A TDR program seeks to shift a community's development from areas of the community sensitive to development pressures to other receiving areas. The property in the sending area may be part of a historic district. In return for leaving the historic property intact, an owner receives rights to develop land within the receiving area more intensely, or alternatively, to transfer these rights to more intense development to landowners within the receiving area. *See id.* § 11.6; *see also* Richard J. Roddewig & Cheryl A. Inghram, Transferable Development Rights Programs: TDRs

enforcement, which would allow for the private enforcement of easements by interested groups held by local government. *Id.*

[40] Protective covenants are a preservation tool similar in intent and use to conservation easements. Creation of such covenants usually occurs at the time property is transferred with the inclusion of the covenant in the deed of transfer. Section 193.505, Florida Statutes, provides property tax benefits to owners who covenant with local governments to maintain their historic properties. The covenants must be for a term of at least ten years. Covenants and restrictions on use of the land are taken into account when assessing the property for tax purposes.. § 193.505(3), Fla. Stat. (2008). However, because covenants do not transfer a property interest, they do not entitle the landowner or donor to any federal tax benefits. Note that if the restriction is recorded under Section 704.06(5), Florida Statutes, it becomes a statutory conservation easement, and thus a property interest entitled to accompanying tax benefits. *See generally* Coughlin, *supra* at 2035.

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and the Real Estate Market (American Planning Ass'n Planning.Advisory.Serv. Rep. No. 401, 1986); KASS, *supra* at § 5.3.

In *Penn Central*, *supra* at 137, the Supreme Court noted the existence of a TDR program in New York City as useful in mitigating the application of the landmarks ordinance. The owners of Grand Central Station were not permitted to build the desired office block over the station, but the local ordinance allowed them to transfer the rights to building to other nearby properties with the same owner. *Id.* at 120-22. The existence of a viable TDR program was a factor in the Court's decision that the application of New York's landmark preservation law to the station was not a confiscatory taking. *Penn Central*, 438 U.S. at 137 ("While these rights may well not have constituted 'just compensation' if a 'taking' had occurred, the rights nevertheless undoubtedly mitigate whatever financial burdens the law has imposed on appellants and, for that reason, are to be taken into account in considering the impact of regulation.") (citation omitted).

The imprimatur of the Supreme Court in *Penn Central* legitimized TDRs, and since then they have been incorporated into many land use programs, both for historic preservation and environmental purposes. *See* Juergensmeyer & Roberts, *supra* at § 9.10; Roddewig & Inghram, *supra* at 5, 13 (including a discussion of the use of TDRs in Collier County, Florida). The use of a TDR program was approved by a Florida court in *Hollywood v. Hollywood, Inc.*, 432 So. 2d 1332 (4th DCA), *rev. denied*, 441 So. 2d 632 (Fla. 1983). In *Hollywood*, when the seaside portion of property was downzoned to single-family status, the owner was allowed in return to transfer the extra development to inland property, and develop this at a higher density. *Id.* 432 So. 2d at 1333. The owner could trade the right to build 79 single family homes for development rights to 368 additional multi-family units on the receiving property. *Id.* at 1338. The result was the preservation of open space on the beach and prevention of high-rise construction, and was upheld as a valid exercise of the police power. *Id.* at 1337-38; *see also Glisson v. Alachua County*, 558 So. 2d 1030, 1037 (Fla. 1st DCA 1990) (approving inclusion of a TDR program enacted to protect wildlife habitat).

Section 193.505(1)(a), Florida Statutes, provides that if the owner transfers the development rights to this land to the local government, the property will only be assessed at the value of its actual usage for property tax purposes.[41] By reducing the property tax bill for landowners who transfer development rights, this law provides an additional incentive for the use of TDRs.

[41] § 193.505(1)(a), Fla. Stat. (2008). The section allows a similar lower tax assessment for owners who enter into limited covenants to maintain properties in their historic condition. § 193.505(1)(b), Fla. Stat. (2008). The covenant runs with the land, and the lower tax assessment lasts for the term of the covenant, which must be at least ten years. *Id.*; *cf.* § 193.501(1)(a), Fla. Stat. (2008) (providing for reduced assessments when development rights are transferred to state agencies or charitable corporations).

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The effective use of TDR's presupposes that there is an area in which to transfer the development rights. Regulation should determine which properties are eligible for TDRs, designate a receiving area for the development rights, determine how much may be transferred, and to transfer. Kass, *supra* at §§ 5.3. & 5.3.1 (describing TDR programs in New York City, Dallas, San Francisco and Seattle). There should also be a means of demonstrating a calculable monetary value for the rights. See Juergensmeyer & Roberts, *supra* at § 9.10. Although TDRs alone will not save an otherwise confiscatory regulation, by helping to reduce the economic impact of regulation, they can prevent valid regulation from rising to the level of a taking. *See Penn Central*, 438 U.S. at 137; *Hollywood*, 432 So. 2d at 1338.[42] Florida's new property rights laws also mention TDRs specifically as a means of settlement and mitigation which may prevent a government regulation from "inordinately burdening" private property. By preventing wipeout of economic value through regulation, TDRs can be an effective additional support to a historic preservation program.

[42] . *But see* Suitum v. Tahoe Reg. Planning Ag'y, 520 U.S. 725, 747-50 (1997) (Scalia, J., concurring) (suggesting that TDR's should more properly be considered not in the context of whether a taking occurred but rather as a possible payment); *see also* Julian Conrad Juegensmeyer *et al.*, *Transferrable Development Rights and Alternatives After Suitum*, 30 URB. LAW. 441, 462-64 (1998) (discussing implications of the *Suitum* decision).

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Four Imperatives for Preventing Demolition by Neglect

GALEN NEWMAN[a] & JESSE SAGINOR[b]

[a]*Department of Landscape Architecture and Urban Planning, Texas A&M University, College Station, Texas, USA;* [b]*School of Urban and Regional Planning, Florida Atlantic University, Boca Raton, Florida, USA*

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ABSTRACT *Population and land-use relocation in the United States contributes to the generation of many functionless, unmaintained historic structures. Many once-vital buildings have been removed, while others have simply been abandoned and left to decay or 'demolished through neglect'. The National Trust for Historic Preservation in 2008 suggests that more than 500 communities are experiencing significant numbers of teardowns, but there is a lack of research on both the exact number of heritage structures that have fallen into neglect and the provisions necessary to prevent neglect. In response to growing concerns about the climbing rate of these structures, this paper assesses both the rationale behind the neglect of historic structures and current preventative techniques and policies. The purpose is to distil the requirements necessary for prevention of demolition by neglect into imperatives to guide future preservation policy.*

Introduction

Rethinking spatial planning of historic preservation for heritage management is a repetitious process. Historic preservationists help manage the local built environment primarily through adaptive tax credit changes and flexible building codes (Listokin, Listokin, and Lahr 1998). The shift toward less rigid preservation planning and dynamic heritage management has resulted in dissimilar management policies. This reorientation also focuses on the adaptive reuse of historic buildings to prevent them from becoming derelict and to preserve them for the future. The approach of American preservationists differs from European heritage management by remaining locally regulated, while European cities—especially in the UK and Netherlands—practice an area-based approach when managing the historic built environment (Doratli 2005). Simultaneously, an increasing amount of American heritage structures within and outside of preservation programmes are being demolished due to a lack of viability and vitality. This research builds on Listokin's (1997) theory regarding the unidentified linkages between growth management and historic preservation and Pickerill and Pickard's (2007) notion that local authorities do not sufficiently meet the needs of heritage conservation. This paper highlights ways to strengthen architectural heritage beyond local governments. It accomplishes this goal by focusing on American preservation policies at the state and local levels to prevent demolition by neglect, presenting

Correspondence address. Galen Newman. Department of Landscape Architecture and Urban Planning, Texas A&M University, College Station, Texas, USA. Email: gnewman@arch.tamu.edu

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an integrated approach combining spatial planning with area-based heritage structural management. This approach can diminish the number of cases of neglect, a misunderstood yet widespread epidemic in historic preservation.

(Re)Introducing the Problem of Demolition by Neglect

Mediation of the historic built environment considers not only the monument itself but also the setting of the preserved structure. Too often, historic preservation is presented as a matter of technocratic planning, such as the colour to use when painting structures, but it involves much wider considerations. The impact that the American centrifugal development pattern has had on inner-city, historic structures has been dire (National Trust for Historic Preservation 2008), leaving many historic structures to rot as vacant, unused shells of their former selves. As cities continue to expand across the American landscape, they leave in their wakes—especially in historic centres—vacant lands, derelict lands and building stock no longer suitable for their original purposes (Treib 2008). The resulting product is a propensity to remove heritage structures that have deteriorated due to a lack of use, a process known as demolition by neglect.

Demolition by neglect is the destruction of a heritage landscape or area through abandonment or lack of maintenance (Moshen and Leatherbarrow 1993). It is an epidemic within historic areas and a challenging issue for state and local authorities. Neglect deteriorates a heritage structure slowly until it is deemed uninhabitable. This process is a recognized heritage planning issue globally, and as of 2007 the number of demolition applications being submitted was on the rise (Wallace and Franchetti 2007). The term 'demolition by neglect' gained popularity in the early to mid-1990s—a phrase coined to raise awareness of the loss of historic structures. Unfortunately, scarce research was conducted on the topic, and until recently the term had become an afterthought in preservation. The 1990s brought demolition by neglect to the forefront of preservationist thought but research on the issue quietly ceased while the phenomenon continued to plague the country's historic structures. The recent economic recession exacerbated this condition, one reason why research is beginning to pick back up on the topic. The State Preservation League of New York held a conference on demolition by neglect in 1993; and the National Trust for Historic Preservation held a panel discussion and presentation on this topic at the 1994 national convention in Boston. By 1994, the US Preservation Commission Identification Project report listed neglect as the most difficult situation for local commissions to solve, with only 25% of respondents reporting they had the authority to protect designated structures from demolition by neglect (Goldwyn 1995).

Historic preservationists attempt to counteract demolition of historic buildings by placing restrictions on individual structures that disallow removal, but this strategy can sometimes only delay a structure's inevitable demise (Jigyasu 2002). This can occur if there is an overdependence on the value of historic integrity and architectural significance (i.e., aesthetics) in lieu of function (Cook 1996), a loophole in contemporary preservation philosophy. Demolition by neglect is an unfortunate contradiction to the traditional philosophy of historic preservation in America. Conflicts between the preservation of character of existing historic towns and their ability to incorporate necessary change prevents more proactive policies to avoid demolition by neglect (Nasser 2003). For example, preservation policy places strong value on factors long considered intangible, such as architectural merit and societal importance. Preservation

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philosophy demands that property owners recognize and accept this value. Value depends on interpretation. The value preservationists place on a structure is not always the same as the value an owner may hold.

The preservation of historic structures brings with it values such as opportunities for economic development, neighbourhood revitalization, sustainable development and the stability of historic fabric (Wallace and Franchetti 2007). The heritage sector needs to do a better job taking advantage of these values. Prevention of demolition by neglect maximizes these values through retaining historic structures. Generating provisions for disallowing neglect to occur is therefore a necessary step in increasing the public value of historic structures.

Fiscally, rehabilitation of an existing building saves money traditionally spent on new construction. If historic structures can be retained and demolition by neglect can be prevented, heritage tourism increases, central components of many downtown revitalization programmes are captured, opportunities for affordable housing are created and property values increase as historic districts are created. Besides economic values, prevention of demolition by neglect is an essential part of sustainable development because resources are not wasted during removal of one building to make way for another (Rypkema 1994). This adds aesthetic value since a mixture of building age and materials promotes diverse skylines and attractive human-scaled, street-level facades, while minimizing environmental impact.

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Sources of Demolition by Neglect

Neglect begins when an owner disregards a property to the point that the property suffers damage. This process can be either intentional, when a proprietor allows decay of an historic property maliciously, or unintentional, when a property owner simply does not have the financial means to maintain a historic building. Although building loss cannot always be prevented due to unstoppable and unpreventable acts of nature, removal of historic structures can be prevented more often if causes are mediated better. Causes can include deferred maintenance, developmental pursuits, absentee ownership, circumstantial outcomes and function relocation (Wallace and Franchetti 2007).

Structural decay is inevitable; it is a natural progression. In a positive sense, decay is sometimes called patina, and can add beauty and character to structures. Demolition by neglect, however, occurs when an owner allows a building to deteriorate until it becomes a structural hazard and this advanced state of deterioration becomes a reason for removal (Moshen and Leatherbarrow 1997). Most risk factors to historic structures are incipient and progressive, making historic structures outside of preservation programmes particularly vulnerable. These risks extend to all portions of the landscape, but especially exist in areas where development pressures and urbanization have occurred. Many historic urban areas have not received the attention and support they deserve to maintain viability, protect structural integrity and heritage value and stimulate local economic bases as populations and occupancies undergo various incremental transformations (Jigyasu 2002). As both populations and functions continue mass exoduses from inner cities and small towns, major allotments of historic fabric are left abandoned, exacerbating the process. Consequently, large concentrations of the nation's aged treasures are eradicated from the landscape.

Most American historic structures are regulated on a unit-by-unit basis—even those within historic districts—and are assessed primarily according to their aesthetic nature and ability to look as they did at a particular time historically. According to Jigyasu (2002), historic structures have two fundamental dimensions: the first deals with aspects of historic integrity, and the second deals with their relationships to the living environment in which they exist. It is important to examine both the historic structure and its fluctuating regional context to understand the process fully. Listokin, Listokin, and Lahr (1998) argue historic preservation should function as a community development and large-scale revitalization tool. Although historic preservation at this scale can sometimes lead to gentrification and displacement of low-income households (Smith 1998), the idea of examining the context of preserved built environments is an initial step in a positive direction regarding prevention of neglect.

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Preservation Policy and Neglect

Local approaches to regulating heritage structures are more likely to attract investors into the heritage conservation market, but due to weaknesses in broader conservation regulations, the result is the potential loss of important non-renewable heritage resources (Pickerill and Armitage 2009). Neglect is a process, not a product; it occurs over time just as a building is deemed historic once enough time has passed. Management of heritage structures is largely the responsibility of local governments through the daily management of historic environments, leadership for preserving historic spaces, and more impactful developmental assessments (Sullivan 2006).

Pressures for development in decaying environments make historic areas vulnerable to razing and rebuilding via demolition by neglect. The failure to reform neglect is surprising considering the number of vacant housing units in the United States grew by more than 4.5 million from 2000 to 2010, a 44% increase (Mallach 2012). Although large-scale demolition is a necessary by-product of civic rebuilding, historic preservation plays a large role in salvaging many potential lost forms within the built environment. As of 1998, historic preservation produced nearly 250,000 housing units through federal historic rehabilitation tax credits (Listokin, Listokin, and Lahr 1998).

The impact of Jane Jacobs's *The Death and Life of Great American Cities* (1961) examined the notion that historic buildings and neighbourhoods contribute to the economic health, liveability and aesthetic values of cities. Jacobs's argument that historic buildings contribute physical attractiveness and mixed uses to towns, and contribute to their overall economic and social successes, was a springboard for what was to become a major theme for future downtown plans. The use of floating zones such as historic districts and placement of historic landmarks, and buildings into preservation programmes was successful in salvaging large concentrations of historic structures. Although the preservation of community character and heritage resources is primarily conducted through the application of floating zones, new initiatives, new ordinances and flexible provisions for adaptation of a technologically driven society are also being explored. These provisions are based primarily on economic incentives and land-use trading policies.

Incentive Zoning

Incentive zoning is a tool used to accommodate growth in historic neighbourhoods. It allows a developer to build a larger building if the structure provides public benefits such as the preservation of a historic building. In some cases, this tool can lead to loss of neighbourhood uniformity, where large new structures overshadow the historic structures they were intended to protect (Collins, Waters, and Dotson 1991). Incentive zoning can help minimize demolition by neglect by allowing a balanced mix of new and historic structures via greater densities (new development) in return for providing a public interest feature (heritage protection).

Alpharetta, Georgia, and Delray Beach, Florida, are two cases where incentive zoning has lessened the impact of neglect. Alpharetta's use of incentive zoning in its historic downtown zoning code arose as an outcome of its 2003 Downtown Plan. The plan's objectives revolved around protecting development rights and surrounding residential uses, providing for more types of residential structures, better overall synergy of complementary uses, and highlighting the historic nature of downtown. Incentive zoning provided greater development flexibility downtown for new commercial and residential developments. From a density standpoint, developers could redevelop or build taller buildings. Zoning restrictions included a maximum building height of 40 and 35 feet for commercial and residential structures, respectively. Under incentive zoning, the maximum commercial building height topped out at 60 feet, with residential buildings increased to 40 feet. Incentive zoning also relaxed commercial parking requirements, ranging from 50% to 100% in some areas, depending on application. These conditions increased the retention of land uses in historic structures without hindering new development (City of Alpharetta 2012).

Beach (2012) incentive zoning reflects some of the same characteristics of Alpharetta. The underlying goal of Delray Beach's zoning stemmed from laws weighted heavily toward residential uses that prohibited commercial uses. Its incentive zoning focused on an inclusionary mix of commercial and residential uses to provide developers with flexibility for redevelopment of historic structures. The zoning created residential office districts that enabled vacant historic residential structures to be reused adaptively as commercial space. Like Alpharetta, Delray Beach relaxed parking requirements, allowing fewer parking spots per commercial use. Special regulations in the zoning indicated that, regardless of a building's use, the appearance of the building must be residential in style and mirror existing architecture (Beach 2012). In both cases, a small sacrifice in historic integrity was allowed to preserve the historic structures, thereby lessening the overall toll of neglect. In summation, incentive zoning tends to be better suited for cities promoting high growth and wanting to maintain historic structures, not for cities which wish to remain almost purely historic.

Transfer of Development Rights (TDRs)

Unlike incentive zoning, TDRs allows existing buildings to retain their heights while enabling developers to transfer those rights elsewhere. For example, if a community wishes to protect a three-story historic building that is in a 10-story developmentally- zoned area, the owner is allowed to transfer the remaining development rights into a zone designated to receive them (Pruetz 1997). TDR

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programmes in historic districts are allowed explicitly (based on state legislation) in Florida, Illinois, New York, and Tennessee, but many other states implicitly allow cities to craft TDR programmes as these cities see fit (State Environmental Resource Center 2012).

One case where TDR zoning alleviated neglect is St. Petersburg, Florida. In the city's code, the primary conditions for property owners to use TDRs are the restoration or preservation of historic buildings and sites. Development rights can only be transferred to the downtown area or commercial suburban corridor areas, channelling development toward higher-density areas of the city. The St. Petersburg code provides insights not just into the use of TDRs, but also into how TDRs are calculated. The calculation of the amount of TDRs is codified as:

> For a landmark, the amount of transferable floor area will be determined by multiplying the gross floor area of the structure, by 10 (this multiplier shall be 20 for structures constructed before 1901) or by subtracting the gross floor area of the structure from the maximum buildable square footage, whichever is greater. A landmark which has received a certificate of appropriateness for a partial demolition shall only be eligible to transfer density from the remaining portion of the structure. (City of St. Petersburg 2012)

The structure of this TDR code places a premium on older historic structures preserved in their entirety by allocating development rights based on age. Where partial demolition is necessary, a developer cannot count the demolished square footage toward allocation of development rights, encouraging developers to preserve as much of a historic building as possible to maximize the TDRs while simultaneously preventing the full demolition of the historic structure. However, demolition is only prevented when development potential from outside areas is high or if vacant properties exist for transfer. Typically areas for transfer are generally future growth areas and non-historic areas of the city. When appropriate areas for transfer are not identified or if the development potential in areas of increasing density begins to outweigh the iconic status of historic structures not deemed landmarks, some historic structures may be inevitably eradicated. In many cases, if there are no development rights to transfer, heritage structures not deemed landmarks generally are the first to be demolished.

Design Review/Guidelines

Some communities have implemented design review to promote preservation of historic structures in urban and rural town centres. Design review allows a local body to approve or disapprove of proposed development grants. Public review also provides a forum in which preservationists can plead their case in reference to retaining heritage structures. These design recommendations are, in many cases, simply guidelines for individual structures, not legal doctrine. Historic districts can still be disregarded as a nuisance to new growth, with no legal consequences. These guidelines are only suggested design criteria; regulatory measures are not always combined.

One of the first planned towns and garden suburbs in the United States, Shaker Heights in Ohio provides guidance on paint schemes for historic homes. The city draws from historic documents concerning original paint colours from a 1925 brochure used by the Van Swearingen Co. to advertise what was then called

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Shaker Village. Part of the novelty of the Van Swearingen Co. was not just the attention to detail in original residential architecture, but the attention to the exact colour parts of that architecture painted to elicit a cohesive look. The brochure advises current residents on colours used during the town's construction between 1905 and 1939. To reiterate the suggestive nature of historic design guidelines, the subtext on the inside title page of the brochure states that it was 'published for the guidance of those who contemplate painting their residence in or near The City of Shaker Heights' (City of Shaker Heights 2008). Statutes such as this provide a means in which continued maintenance simultaneously increases historic integrity, thereby decreasing neglect.

The City of San Antonio's Office of Historic Preservation also provides extensive guidelines related to historic districts. Its publication 'Using the Historic Design Guidelines' is a preservation manifesto. The first two pages focus solely on making a case for preservation over demolition. An interesting case made is tying historic preservation to neighbourhood preservation related to local character. Other arguments include economic benefits for property value stability, heritage tourism, and adaptive reuse as environmentally friendly development. These guidelines provide direction and clarity of preservation while offering interested parties guidance on the unified development code and review process. Unlike many historic design guidelines, San Antonio codifies many historic design aspects by incorporating elements from its 2009 Strategic Historic Preservation Plan into its 2010 Unified Development Code, specifically new codes in a chapter on Historic Preservation and Urban Design (City of San Antonio 2011). Codifying aspects of historic preservation expands the purview of San Antonio's Historic Design and Review Commission to increase the types of properties that require a certificate of appropriateness before any exterior building changes. The result is a diverse range of design options, leading to a broad variety of heritage-based aesthetics. Increasing the diversity of structural typologies enables structures to become more adaptive. This diversity can make the structures more easily reusable, alleviating neglect over time.

Interim Zoning

Interim zoning controls have been implemented in some downtowns undergoing extreme growth. These temporary regulations allow for alterations within existing zoning controls while new plans and ordinances are being adopted. Similar to historic districts, interim zoning creates overlay districts that can restrict development, while new, permanent zoning changes can be made for specific areas. They are, however, limited to short time periods and should relate to a comprehensive growth strategy and/or historic preservation plan to be effective and legally permissible (Broussard 1992).

Interim zoning is only a short-term solution to the prevention of neglect. Richmond, Indiana, has laws regarding interim protection and historic buildings in its historic-district legislation under its land-use code. Interim protection requires written notification to the owner and occupant of a building. The notification must reference the code, explain the impact of the interim protection on the building or site and state that the protection is temporary. If nothing is done within 90 days, city council must repeat the process to reinstate the interim protection. There is a maximum of 180 days that a single property can consecutively be under interim protection. If a city maxes out the 180-day rule,

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interim protection cannot be offered for a year (City of Richmond 2012). While these solutions can salvage heritage structures temporarily, unless the new permanent zoning mechanisms afford protection, a structure already undergoing neglect may be demolished once the interim zone is removed.

Financial Incentives

Financial incentives that promote historic preservation have proven to be one of the more successful means of counteracting demolition by neglect. These inducements have done more than any other policy to encourage continuity of building placement and renovation/rehabilitation. Although justification for compensation to owners who place their buildings within preservation programmes is a contested issue (Nahkies 1999), the use of financial incentives makes good economic and preservation sense not only for the protection of buildings from demolition, but also to ensure that these buildings become contributing elements in a community's economy (Collins, Waters, and Dotson 1991). For owners who do not wish to receive incentives, the process of neglect can still occur if regulations do not provide legal penalties implicitly targeting neglected structures. Washington, DC, has created significant new protections for historic districts by placing responsibility on owners to protect properties against serious deterioration. Amendments were made to the Historic Preservation Act that lessen the totality of neglect on the historic landscape by affording the mayor enforcement authority to prevent demolition by neglect (Thompson 2004). To safeguard valuable historic resources, the new provisions place all demolitions of historic structures under review before demolition begins. Only after a structure is deemed unsafe or unsanitary can the city demolish it. These types of legal enforcements provide two amenities. The first is to set forth a defined process to designate whether a heritage structure should be demolished, which can dissuade the removal simply for developmental pursuits. The second is to solicit public input on any possible demolitions.

It can sometimes be difficult for local governments to compete with the development potential value of a historic lot. When this occurs, it is easy for owners to succumb to the power of money and sell to developers or redevelop heritage parcels. The allowance of new uses in historic districts, which make better use of the land, has shown to generate more property tax revenue, which then encourages cities to weigh the benefits of historic preservation against foregoing future property tax revenue. Revolving loan funds and direct investment in preservation-based projects are mechanisms that help provide incentives for maintaining historic resources. Several states and cities have revolving loan fund programmes to subsidize historic preservation. These programmes are largely underfunded and are utilized primarily to protect older or landmark deemed structures. The New Jersey Historic Trust Office is part of the state government structure that administers New Jersey's Historic Preservation Revolving Loan Program. State bonds fund the programme to provide financing for the preservation, improvement, rehabilitation and acquisition of historic properties. Loan amounts and terms range from US$25,000 to US$370,000, with no loan greater than 15% of the revolving loan fund based on that year's budget. The loans have a maximum interest rate of 4%, with terms of five to 10 years and a maximum of 20 years (New Jersey Historic Trust 2012a). The programme has been used largely to preserve many religious structures of historic significance such as the

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US$450,000 loan awarded to the St. James African Methodist Episcopal Church that was built in 1850. This loan leveraged US$850,000 in additional funding for the US$1.3 million restoration of the church, including some of the original Tiffany windows (New Jersey Historic Trust 2012b). Although the programme has been useful, underfunding forces programmes to focus on only the most important structures of historic significance, leaving many supporting historic structures without financial assistance to prevent demolition.

Urban Strategy

The destruction of a historic structure due to vacancy or function relocation cannot normally be resolved with individual incentives. Heritage structures occupying the built environment are not individual objects, but portions of a larger pattern and frames in which external forces reveal themselves (Nivala 1997). Some cities have taken action to minimize neglect by developing management that monitors the owners of heritage structures. This is a hybrid approach that manages neglect cases as they arise while also giving immense power to those in political positions. The New York City Landmarks Preservation Commission (NYCLP) provides a good example of this approach. In comparison to most other American cities, the NYCLP has much more power to regulate the city's historic property inventory. Lack of developable land in NYC affords them more authority because demand for development far outpaces the supply of land. Its mission identifies and designates extant and potential landmarks which can lessen the demolition of undesignated buildings that are worthy of preservation (Weiss 2012). The legal protocol developed by the Commission to prevent neglect has merit. If neglect is deemed present for a structure, the owner is given time to perform voluntary repairs, but if these efforts fail, fines are levied on the owner. This process is a mainstay for the Commission in the prevention of the demolition of heritage structures, and has reduced the number of heritage structures in need of repair. Only 60 structures are estimated to be in disrepair (Weiss 2012). This is less than one-fifth of 1% of the 29,000 buildings regulated by the commission, demonstrating that most owners are now maintaining their buildings. This approach demonstrates that a legal framework coupled with political power can be effective with the inclusion of monetary penalties preventing neglect.

Neglect Provisions on a Broad Scale

Although local policies can help prevent neglect, monetary penalties on a state scale have also had some success. Unique restrictions applied to historic structures to prevent demolition by neglect vary, making the problem difficult to categorize and assess. Legal and administrative regulations used by preservation commissions as compliance mechanisms with owners usually consist of additional clauses embedded within local preservation ordinances already in place to strengthen existing, ineffective minimum-maintenance clauses. Local approaches to solving this epidemic are usually either regulatory-based or incentive-based. Regulatory measures tend to be heavily reactive to structures already succumbing to neglect and usually involve punishment for allowing the process to continue. In some cases, enforcement of maintenance provisions in building codes is all that is needed, but most penalties currently in place are so minor that owners disregard them.

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Despite the importance of provisions for local preservation ordinances to combat demolition by neglect, only a few states have made such adjustments. Some states levy harsh penalties for demolition by neglect. The Connecticut Trust for Historic Preservation (2009) provides a short list of these states and their approaches for handling the problem. For example, South Dakota statutes give localities the power to enact ordinances making wilful neglect of an historic property a misdemeanour. The problem with this approach—besides the legal expense— is the difficulty in proving that neglect was wilful. In West Virginia, local landmark commissions have the authority to establish standards for the care and maintenance of certified landmarks. If these standards are not met, a substantial fee is imposed on owners. However, these provisions are limited since they have no impact on any historic structure that is not considered a certified landmark. California has no state authority over historic structures but allows local governments to establish provisions to prevent demolition by neglect. San Francisco can assess a US$500 per day penalty to owners who allow this process to occur (National Trust for Historic Preservation 2011). These states generally only permit local governments to help prevent demolition by neglect through penalties. North Carolina, Rhode Island, Alabama and Wisconsin have also recently created state legislation which allows local governments to make provisions to help prevent neglect. Many of these states only enact ordinances to protect landmarks, however.

Oregon has begun proactively protecting many of their historic structures with historic preservation listed as a significant concern. The key difference here is that there is a regional-based approach to preventing neglect in historic buildings, not simply the enactment of local ordinances for the primary protection of landmarks. The state's innovative transportation and growth management strategies have placed them at the forefront of sustainable growth in the USA. Historic preservation plays a key role in the objectives of their multi-faceted growth management policy. The overarching historic preservation goal for the state is to create new partnerships to integrate preservation into existing planning partnerships. To achieve this goal, the incorporation of cultural resource data into the data systems of other government entities better integrates preservation into land-use and management processes. Goal 5 of Oregon's growth management system calls for inventorying and protecting historic areas (Listokin 1997). The state uses a multi-combinational approach to neglect prevention with public money through the form of land trusts and conservation easements along with local policies. Oregon also allows privately-owned properties to be ceded to governmental or public management for preservation purposes while the proprietors can still retain ownership. This allows for specific historic structures to be placed in the programmes, protecting their air rights and historic character while architectural style and historic quality are not compromised.

Generally, the approach of American preservationists differs from European heritage management by remaining primarily locally regulated, while many European cities practise an area-based approach to management of the historic built environment (Doratli 2005). Area-based strategies for built environment conservation have shown multiple benefits including: (1) increases in non-government funding for architectural heritage (i.e. Amsterdam) due to the partnerships between local communities and non-governmental entities; (2) increases in the sustainability and longevity of historic architecture through historic district expansion (i.e. Montreal, Canada); (3) substantial additional

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Table 1. Synopsis of policy impacts on neglect.

Approach	Case	Impact on neglect	Drawback
Incentive Zoning	Alpharetta, GA	Increased the retention of land uses in historic structures without hindering new development	An overall loss in historic integrity can occur
	Delray Beach, FL	New developments mirrored historic architectural style	Multiple intrusions can develop in historic areas
Transfer of Development Rights	St. Petersburg, FL	Encouraged developers to preserve as much of an historic building as possible	Demolition is only prevented when development potential in outside areas is high
Design Review	Shaker Heights, OH	Created a historic architectural aesthetic for all new developments	Loss of flexibility for new developmental architectural styles
Interim Zoning	Richmond, IN	Protected historic structures under temporary ordinances	Only an ephemeral means of protection
Financial Incentives	New Jersey Historic Trust	Provided subsidies to owners who maintained their historic properties	Underfunding forced programmes to focus on only on landmarks
Mayoral Enforcement	Washington, DC	Creates a review process before demolition that can begin to dissuade the removal of historic structures	Increase in political power can be seen as unconstitutional by some owners
Owner Monitoring	New York City	Fines are applied to owners who allow neglect to occur on a heritage structure	Identification of heritage structures can be a costly process
Legal Penalties	South Dakota	Makes the allowance of neglect on a heritage structure a misdemeanour crime	Penalty is only applied when neglect is occurring on certified landmarks
Monetary Fines	San Francisco, CA	US$500 per day penalty for the allowance of neglect	Purposeful neglect can be difficult to prove
Safeguard Ordinances	North Carolina	Provides compensation to owners of heritage structures in economic hardship	Generally only applied to landmarks and historic districts
Identification of Deteriorated Structures	Rhode Island	Identifies unmaintained heritage structures and forces repairs by owners within 30 days	Costs are generally paid by the city and a lien is placed for repayment afterwards
Growth Management Integration	Oregon	Ties heritage protection into future growth schemes for the state	A multi-combinational approach can be complex and difficult to regulate

private sector investment in conservation-led regeneration projects (i.e. the formation of the Grainger Town Partnership in Newcastle, UK which coordinated heritage regeneration funds through a variety of local, regional and national sources); and (4) increased rehabilitation of derelict heritage sites in impoverished areas through regional non-profit organization partnerships (i.e. Belville Paris, France) (Pickerill and Armitage 2009).

Listokin (1997) theory assumes that growth management and historic preservation are intrinsically linked but the connections between the two are not fully understood. Pickerill and Pickard (2007) postulate that within this connection, local authorities alone do not sufficiently meet the needs of conservation of built heritage. Case study evidence from historic areas in Germany has shown the constraints imposed by wider economic and political contexts have a significant impact on preserved structures, demonstrating the need for integrating historic preservation projects with a comprehensive urban planning framework (Alberts and Brinda 2005). More contemporary research shows a disconnect between preservation and broader land-use and building policies necessary for this integration, specifically in regard to the long term sustainability of preserved structures (Avrami 2012). Historic preservation is an integral component of a larger system and must align its aims with those of this larger system if the process of neglect is to be stymied.

Since the passage of the National Historic Preservation Act of 1966, the pace of historic preservation activities has increased vastly (Longstreith 2008). The current movement of historic preservation is shifting efforts to a larger scale. People who were once satisfied with preservation of individual buildings and districts now speak of preserving entire landscapes (Francaviglia 2000). Due to this paradigm shift, some states have concluded that the solution to neglect lies with managing not only individual buildings and infrastructure (internally)—where many historic preservationists currently attempt to address the quandary—but also the swiftly developing outskirts of cities (external) to which the structures are indelibly connected. Historic integrity and the surrounding living environment in which they exist are two interrelated fields that are neither incompatible nor in opposition. Although local management has made great strides in developing methods and techniques to prevent demolition by neglect, a major step toward preventing the process must consider contextual growth patterns.

Four Imperatives for the Prevention of Neglect

Despite substantial restrictions on the demolition of historic buildings imposed by local historic preservation ordinances, many historic properties are destroyed each year as a result of conscious efforts by owners to avoid restrictions (Goldwyn 1995). Therefore, much should be done to slow the process of demolition by neglect before its toll on the historic built environment is too great. Table 1 provides insight on current approaches to prevent neglect and their limitations. Although state regulations are slowly increasing in popularity, the wide range of disparate policies to help manage current historic buildings and districts only deals with the problem internally and locally. Incentive zoning is useful for loosening restrictions on a building at a site scale, assuming a building can and should be developed with a higher density. TDRs only help manage individual parcels. Design review can sometimes only spread assessed problems to a larger

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audience, rather than fixing them permanently. Interim zoning addresses context to a small degree, but only temporarily. Financial incentives are difficult to fund and are dismissed easily if new development offers the same or greater revenue without the difficult paperwork. Each of these strategies is conducted generally at a local level, with little to no thought given to regional growth patterns that influence the structures being protected. Efforts need to move beyond saving single objects of historic or aesthetic significance to broader contexts of rural and urban planning (Cook 1996). Regional plans that are constructed well and maintain and enhance the vitality and viability of historic structures could help decrease neglect by guiding growth properly and attacking neglect at its source.

One primary key to the prevention of neglect is balancing the past with the economic needs of contemporary society. Current local and state approaches to prevention provide four key imperatives for the prevention of neglect: (1) carefully drafted local provisions led by powerful local political leaders; (2) a multi-scalar regulatory system that monitors heritage properties; (3) legislation which enforces substantial penalties on owners who allow neglect to occur and provides incentives for heritage maintenance; and (4) a combinational approach which is locally based but built into regional growth goals.

Local policy is perhaps the most impactful method in which to counteract the process of neglect. These policies have proven more successful when authoritative figures are given the freedom to exercise substantial means in which to stymie demolition by neglect. The cases of Washington, DC, and New York City suggest that this approach has been effective, especially when a system is in place to monitor and designate structures going through neglect. Politicians with preservationist mindsets will unavoidably help increase public knowledge of the importance of visible, tangible remnants as a portion of contemporary society. Interference with private property rights for a collective good—that is, a sense of history and continuity in the built environment—can be squandered easily if an owner minimizes costs of maintenance and renovation. Economic motives are the primary drivers behind the success of policies and preventative techniques, so to be successful, incentives that encourage continued maintenance of historic buildings must counter the financial incentives involved with allowing demolition by neglect directly.

Local provisions to counteract neglect have also shown to be more impactful when they are guided by state regulations. This allows for the provision of more funding as well as a legal reinforcement for measures taken locally to counteract neglect. States such as Rhode Island now have the ability to enforce penalties on owners who allow neglect to occur while states such as North Carolina can help provide compensation to owner's who may not have the financial means to maintain their structures. While many of the structures salvaged are certified historic landmarks, as possession of heritage properties increases, aged structures not deemed landmarks will also benefit from these measures. Historic structures should assume the role of important positions in the environment. Large concentrations of derelict and abandoned structures amplify de-accessioning. Demolition by neglect affects not only the individual buildings that are deteriorating, but also entire neighbourhoods, which can initiate a progressive cycle of decay and/or disinvestment in historic areas and surrounding neighbourhoods.

The enforcement of penalties on owners who allow neglect to occur on heritage buildings has proven beneficial at the state level in South Dakota and

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cities such as San Francisco and New York. Current incentive-based programmes to prevent neglect are often outside the scope of the preservation community and are usually a portion of larger-scale, money-intensive programmes that aspire to achieve multiple goals. Tax incentives for commercial and residential properties, downtown redevelopment schemes, and changes in the zoning system that may reward rehabilitation are a few examples of incentives. Typically, the difficulty with this method is acquiring the funds to provide incentives. New York's revolving loan fund provides below-market loans for residents of targeted areas, particularly for residential owners and non-profit groups in local historic districts outside the wealthier parts of Manhattan. This approach has shown some signs of success since loans for rehabilitation, maintenance and facade improvements have been made consistently.

The approach to preventing neglect is not a singular formula. It is a complex, multi-combinational system which is dependent on state and local goals and needs. New, proactive measures that encourage passive preservation (Francaviglia 2000) of historic structures that combine with extant active measures need to be tested. Regional-based, historic management schemes, such as Oregon's approach, must expand and be further explored. Large-scale regional growth patterns are also a primary source of demolition by neglect, especially when function relocation and population migration lead to vacancy. Rapidly expanding decentralized growth is spreading a homogenous form across the landscape, destroying multiple layers of cultural history (Yahner and Nadenicek 1997). Listokin (1997) exposed the awning gap between theory and practice regarding contextual growth and historic preservation, a gap which has still not yet been bridged.

New research on the subject of demolition by neglect must begin to gain a firm grasp on current public perceptions on preserved structures and rates of neglected structures within historic districts to serve as benchmarks for new data to be compared against. The overall condition of historic built environments has been overlooked while neglect continues to grow. New technologies afford the opportunity to measure, monitor and map characteristics of existing and potential historic building stock. A baseline set of data will set the stage for an increase in public value and awareness as well as serve as a foundation for longitudinal studies to compare against over time in an effort to stymie the impact of demolition by neglect within the historic built environment.

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510 N. Baker St.
Mount Dora, FL 32757
352-735-7113
plandev@cityofmountdora.com

DATE: January 25, 2023

TO: Historic Preservation Board

FROM: Michele Janiszewski, AICP, Senior Planner

RE: **Tab 6 – Discussion Item; Historic Preservation Board Meeting Time.**

Historically, the Historic Preservation Board has met at 4:00 p.m. on the fourth Wednesday of the Month. Staff is happy to continue meeting at this time but wanted to provide the option to change the meeting time if it would be more convenient for the Board.

The Board room is available all day and staff is available to conduct the meeting at 3:00 p.m. or in the morning at 10:00 a.m.

If the Board wishes to continue to meet at 4:00 p.m., no action is needed by the Board. If the Board wishes to change the meeting time, a vote will be required.

This is a discussion item and immediate action is not required; this item can be placed on an upcoming agenda as well if additional time is needed to consider the options.