

DIVISION 2. - HISTORIC PRESERVATION OVERLAY AND NATIONAL REGISTER OF HISTORIC PROPERTIES OVERLAY DISTRICT (HPO)

[Sec. 10-316. - Definitions.](#)

[Sec. 10-317. - Purpose and intent.](#)

[Sec. 10-318. - Local register of historic places.](#)

[Sec. 10-319. - Certificate of appropriateness.](#)

[Sec. 10-320. - Specific development standards.](#)

[Secs. 10-321—10-330. - Reserved.](#)

Sec. 10-316. - Definitions.

In addition to the definitions and rules of construction in section 1-2, the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Architectural review board (ARB) means the ten-member board appointed jointly by the city and county commissions to review exterior changes, excluding routine maintenance, to properties zoned HPO.

Calhoun Street Special Character District means Calhoun Street area properties within the boundary identified in the adopted 1992 downtown plan. This district forms a cohesive concentration of historic resources, many of statewide significance, that reflect outstanding and representative examples of 19th and early 20th century architecture in one of the city's earliest and most historic neighborhoods.

Certificate of appropriateness means a written statement issued by the architectural review board to confirm that the proposed work is approved as appropriate.

Contributing property means a property which is listed as contributing in the local register of historic places pursuant to the criteria contained herein in subsection 10-218(d)(2); or which is listed as "conforming" or "altered" or identified as an important historic greenspace in the Park Avenue or Calhoun Street National Register Nomination, as approved by United States Department of the Interior.

District means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Historic preservation officer means the director or designee of the director of the Tallahassee Trust for Historic Preservation who shall serve as the principal staff to the city-county architectural review board.

Local register of historic places means a local listing of buildings, structures, sites, objects and districts determined to possess historic and/or architectural significance and which are subject to the provisions of the historic preservation overlay zone.

Ordinary maintenance means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Original appearance means that appearance (except for color) which, to the satisfaction of the architectural review board, closely resembles the appearance of either (i) the feature on the building as it was originally built or was likely to have been built, or (ii) the feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the historic preservation officer, to the style and materials of the building.

Park avenue special character district means Park Avenue area properties within the boundary identified in the adopted 1992 downtown plan. This district is linked by the historic Park Avenue chain of parks, and includes most significant historic residential, commercial, and civic landmarks which represent the city's development from its platting in 1825 to the early 20th century. The district is composed of a concentration of small historic residential scale buildings to the east of Calhoun Street, and a mixture of historic, civic, religious and commercial buildings along with larger scale contemporary buildings to the west of Calhoun Street.

Residential historic district means an area of more than one property designated as historic preservation overlay for which the underlying zoning is a low-density residential category.

Variance means a relaxation of the terms of the code or ordinances involved where such variance will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the code involved would result in undue hardship.

Sec. 10-317. - Purpose and intent.

The purpose of this division is to describe the historic preservation overlay and National Register of Historical Properties overlay district (HPO) used to impose special development restrictions on identified areas to protect the historic resources of the community. The location of overlay zones is established by the city based on the need for special protective measures in that area. The overlay zone applies to: properties listed in the Local Register of Historic Places through the process described in this division, and all other properties previously zoned HC by the city. Properties listed on the National Register of Historical Properties within the downtown special character district are also subject to this special overlay district. Properties within the capitol center planning district (CCPD) may also be evaluated for listing in the Local Register of Historic Places through the process described in this division, and thus an overlay zone may also be applied to such properties. The underlying uses in the area remain undisturbed by the creation of the overlay zone. The overlay zone is depicted on the downtown zoning area map. Appropriate development standards are identified in section 10-220. The historic preservation overlay zone may be approved for properties within the boundaries of the capitol center planning district according to the procedures outlined in F.A.C. 60F-3.003, and chapter 2, article III, for zoning changes to the official zoning map of the capitol center planning district.

(Code 1984, ch. 27, § 10.4(D)(1); Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 97-O-0027AA, § 13, 7-8-1997; Ord. No. 97-O-0056, § 4, 10-22-1997; Ord. No. 97-O-0062, § 2, 1-14-1998; Ord. No. 01-O-28AA, § 12(1), 10-24-2001; Ord. No. 01-O-51, § 1(10.4.D.1), 10-24-2001; Ord. No. 02-O-27, § 2, 3-20-2002)

Sec. 10-318. - Local register of historic places.

- (a) *Created.* A local register of historic places is hereby created as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historically and/or architecturally significant. The local register will be kept by the city-county architectural review board.
- (b) *Initiation of placement on the local register.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the city or county commission or the planning commission. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district. The Tallahassee Trust for Historic Preservation or the architectural review board may initiate placement on the local register, but only with the advice and consent of the property owner.
- (c) *Placement on the local register.* The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:
- (1) A nomination form, available from the architectural review board, shall be completed by the applicant and returned to the architectural review board.
 - (2) Upon receipt of a completed nomination form, including necessary documentation, the historic preservation officer shall place the nomination on the agenda of the next regularly scheduled meeting of the architectural review board. If the next regularly scheduled meeting of the architectural review board is too close at hand to allow the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
 - (3) Adequate notice of the architectural review board's consideration of the nomination shall be provided to the public at large, to the owner of property within 500 feet of the nominated property, and to the owner of the nominated property, at least 15 days in advance of the meeting at which the nomination will be considered by the architectural review board.
 - (4) The Tallahassee Trust for Historic Preservation shall be asked to forward its recommendation on the nomination to the architectural review board.
 - (5) The architectural review board shall, within 30 days from the date of the meeting at which the nomination is first on the agenda, review the nomination and prepare a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall also include any owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing to the historical significance of the district. If the 30-day period runs and the architectural review board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the architectural review board, the nomination may be submitted by the applicant directly to the planning commission.
 - (6) The nomination form and the architectural review board's recommendation shall be sent to the planning commission. The nomination shall then be handled as any other rezoning.

(d)

Criteria for listing on the local register.

(1)

A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register:

a.

It possesses integrity of location, design setting, materials, workmanship, feeling and association;

b.

It is associated with events or persons that are significant to local, state, or national history; or it embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

c.

It has yielded, or may be likely to yield, information important in prehistory or history.

(2)

A site, building, structure, or object located in a local register of historic places district shall be designated as contributing to that district if it meets the following criteria:

a.

The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.

b.

A property should not be considered contributing if the property's integrity of location, design, setting materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost.

c.

Structures that have been built within the past 50 years shall not be considered to contribute to the significance of a district, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

(e)

Effect of listing on local register.

(1)

The architectural review board may issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The city manager or county administrator is authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

(2)

Structures and buildings listed individually on the local register or judged as contributing to the character of a district on the local register shall be deemed historic and entitled to modified enforcement of the Standard Building Code as provided by Chapter 1, Section 101.5 of the Standard Building Code Congress International, Inc.

(3)

No demolition, alteration, relocation or construction activities may take place except as provided below. Structures and buildings listed on the local register, either individually or as part of a district, shall have reserved by the local government their concurrency capacities.

(4)

The city, in seeking to acquire or lease additional space, shall give preference to the acquisition or lease of properties on the local register of historic places.

(5)

The city will waive permit fees, development review fees, annual fees, and other rehabilitation-related fees for historic preservation overlay district properties on the local register of historic places that are privately owned (nongovernmental) (including building and fire permit and review fees, electrical permits, plumbing permits, mechanical permits, gas permits, roofing permits, reinspection fees, landscape fee, stormwater permit fee, variance fee, tree removal fee, and rezoning fees).

(6)

Historic preservation overlay district properties on the local register of historic places that are privately owned (nongovernmental) shall be eligible to apply for funding from the city historic property grant and loan program.

(7)

As additional incentives for residential historic districts, the city shall install special street signs and boundary identification markers.

(Code 1984, ch. 27, § 10.4(D)(4); Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 97-O-0027AA, § 13, 7-8-1997; Ord. No. 97-O-0056, § 4, 10-22-1997; Ord. No. 97-O-0062, § 2, 1-14-1998; Ord. No. 99-O-0006, § 1, 2-24-1999; Ord. No. 01-O-28AA, § 12(4), 10-24-2001; Ord. No. 01-O-51, § 1(10.4.D.4), 10-24-2001)

Sec. 10-319. - Certificate of appropriateness.

(a)

When required.

(1)

A certificate of appropriateness must be obtained before making certain alterations, described below as regulated work items, to contributing structures and structures listed individually on the local register. A certificate of appropriateness must be issued prior to the issuance of development permits; i.e., building, environmental, etc.

(2)

For each of the regulated work items listed below, the following applies:

a.

Ordinary maintenance. If the work constitutes "ordinary maintenance" as defined in this chapter, the work may be done without a certificate of appropriateness.

b.

Staff approval. If the work is not "ordinary maintenance," but will result in the "original appearance" as defined in this chapter, the certificate of appropriateness may be issued by the historic preservation officer for the city.

c.

Architectural review board approval. If the work is not "ordinary maintenance" and will not result in the "original appearance," a certificate of appropriateness must be obtained from the architectural review board before the work may be done.

(3)

The following are regulated work items:

a.

Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.

b.

The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.

c.

Installation of all decks above the first-floor level and/or on the front of the structure.

d.

Installation of new exterior siding materials, or removal of existing exterior siding materials.

e.

Installation or removal of railings or other wood, wrought iron or masonry detailing.

f.

Abrasive cleaning of exterior walls.

g.

Painting unpainted masonry including stone, brick, terracotta and concrete.

h.

Installation of new roofing materials, or removal of existing roofing materials.

i.

Installation of an exterior door or door frame, or the infill of an existing exterior door opening.

j.

Installation of an exterior window or window frame or the infill of an existing exterior window opening.

k.

Installation or removal of exterior skylights.

l.

Installation or removal of metal awnings or metal canopies.

m.

Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.

n.

Installation of exterior screen windows or exterior screen doors.

o.

The installation or relocation of wood, chainlink, masonry (garden walls) or wrought-iron fencing, or the removal of masonry (garden walls) or wrought-iron fencing.

(4)

A certificate of appropriateness must be obtained from the architectural review board to erect a new building or parking lot within a district listed on the local register.

(5)

A certificate of appropriateness must be obtained from the architectural review board to demolish a building, structure, or object listed individually on the local register, or designated as contributing to a district listed on the local register.

(6)

A certificate of appropriateness must be obtained from the architectural review board to relocate a building, structure, or object listed individually on the local register, or designated as contributing to a district listed on the local register.

(7)

In residential historic districts, a certificate of appropriateness shall not be required for any alteration to an existing building, whether such building is contributing or noncontributing, which alteration is not clearly visible from a public street. Prior to construction, installation, or performance of any regulated work item which is not ordinary maintenance, the historic preservation officer shall determine the visibility of the work item at ground level under normal conditions. The historic preservation officer's decision shall be sent to the architectural review board and shall be posted on the property for five calendar days.

(8)

Any person aggrieved by the decision reached by the historic preservation officer may, within five calendar days of the decision being posted, file a written request for review by the architectural review board. The architectural review board, at its next scheduled meeting, shall review the historic preservation officer's decision and may approve, approve with modifications, or not approve such decision.

(b)

Criteria for issuing. The intent of the following review criteria is to ensure that exterior alterations and additions to historic buildings, and new construction, are compatible to and complement the historic buildings and the character of the immediate area of the district:

(1)

Alterations and additions to existing historic buildings. Any addition to or alteration of the exterior of a historic building shall be reviewed by the architectural review board for compliance with the recommended approaches to rehabilitation set forth in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (latest edition).

(2)

New construction. The architectural review board shall use the following criteria to review new construction in the historic preservation overlay district:

a.

Proportion, scale, form, and mass.

1.

The proportion of the facades of new buildings—the relationship of a building's width to its height—should be compatible with adjacent historic buildings as seen from the street and publicly accessible areas.

2.

New buildings should be compatible with the height of adjacent buildings in the neighborhood.

3.

New building forms should be compatible with the forms of the historic buildings on the street. For instance, if most of the forms are simple, such as an "I" or "L" plan, the form of new buildings should respect those characteristics.

4.

The roofs of new buildings visible from the street and public areas should relate in shape and pitch to the roofs of adjacent historic buildings.

b.

Relationship of materials and textures. The relationships of materials and textures in a new building should be visually compatible with the historic buildings on the street.

c.

Walls of continuity.

1.

Architectural elements such as walls, fences, landscape masses, building facades, or combinations of these should contribute to visual continuity along the street.

2.

The character of the landscaping and predominant materials should contribute to visual continuity along the street.

d.

Building site.

1.

On-site parking should be limited to driveways with parking areas to the side and rear of the new building.

2.

New parking lots should be landscaped to provide screening from the street and publicly accessible areas.

e.

Directional expression and treatment of facades.

1.

New porches, entrances and other projections should be compatible with similar features on historic buildings found along the street and contribute to continuity of features.

2.

The orientation of new buildings should repeat the orientation of other historic buildings on the street to

maintain continuity. Orientation refers to the placement of the entrance, the direction of the roof lines, and other prominent features of the building.

3.

In addition to the guidelines provided above, issuance of certificates of appropriateness for relocations shall be guided by the following factors:

i.

The historic character and aesthetic interest the building, structure, or object contributes to its present setting;

ii.

Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;

iii.

Whether the building, structure, or object can be moved without significant damage to its physical integrity; and

iv.

Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object.

4.

Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:

i.

The historic or architectural significance of the building, structure, or object;

ii.

The importance of the building, structure, or object to the ambiance of a district;

iii.

The difficulty or the impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;

iv.

Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;

v.

Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding;

vi.

Whether reasonable measures can be taken to save the building, structure, or object from collapse; and

vii.

Whether the building, structure, or object is capable of earning reasonable economic return on its value.

viii.

Failure of the architectural review board to issue a certificate of appropriateness granting demolition approval for all properties designated historic preservation overlay district shall temporarily stay the property owner's ability to demolish existing improvements for 12 months following action by the architectural review board.

(c)

Procedure.

(1)

A person wishing to undertake any of the actions specified above shall file an application for a certificate of appropriateness, and supporting documents, with the historic preservation officer.

(2)

The prospective applicant shall confer with the historic preservation officer concerning the nature of the proposed action and requirements related to it. The historic preservation officer shall advise the applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the architectural review board from requiring additional material prior to making its determination in the case. Following the conference with the historic preservation officer, a preapplication conference shall be held with the architectural review board if requested by the applicant.

(3)

Upon receipt of a completed application and all required submittals the historic preservation officer shall place the application on the next regularly scheduled meeting of the architectural review board allowing for notice as required in this section. Applications for certificates of appropriateness may be heard at specially called meetings of the architectural review board provided all notice requirements are met. Upon mutual agreement between the applicant and the historic preservation officer, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.

(4)

At least 15 days, but not more than 30 days, prior to the meeting at which the application is to be heard, the historic

preservation officer shall give the following notice:

- a. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests with the department.
 - b. One advertised notice in a newspaper with a minimum daily general circulation of 50,000.
 - c. Direct written notice to all property owners within 500 feet of the property.
- (5) The hearing shall be held at the time and place indicated in the notice. The decision of the architectural review board shall be made at the hearing.
- (6) The architectural review board shall use the criteria set forth in this section to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the architectural review board shall take one of the following actions:
- a. Grant the certificate of appropriateness with an immediate effective date;
 - b. Grant the certificate of appropriateness with special modifications, variances, and conditions; or
 - c. Deny the certificate of appropriateness.
- (7) Meetings of the architectural review board are administrative in nature and not subject to the quasi-judicial provisions of state statutes. No testimony may be received from any applicant or member of the public during the course of the architectural review board meeting. Notwithstanding the foregoing, an architectural review board member may question the applicant or the applicant's representative present at the meeting on technical issues related to the certificate of appropriateness. Such questions shall be limited to inquiries seeking clarification of material in the application. Any members of the public present at the meeting shall have an opportunity to speak on the same technical issues. All comments by either the applicant or members of the public shall be limited to the question asked by the architectural review board member.
- (8) The architectural review board shall make written findings and conclusions that specifically relate the criteria for granting or denying of certificates of appropriateness.
- (9) The historic preservation officer shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the architectural review board, and the findings and conclusions of the architectural review board. All records shall be filed with the historic preservation board.
- (10) Formal proceedings. The decision of the architectural review board shall become final 30 calendar days after it is rendered unless a person who qualifies as a party under chapter 2, article III, division 2, subdivision II, of this Code pays the filing fee and files a petition for formal proceedings in accordance with chapter 2, article III, division 2, subdivision II, of this Code and the bylaws of the planning commission. Failure to pay the filing fee, and/or to file the petition as required is jurisdictional and shall result in the waiver of the right to petition for formal proceedings.
- (11) No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

(Code 1984, ch. 27, § 10.4(D)(5); Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 97-O-0027AA, § 13, 7-8-1997; Ord. No. 97-O-0056, § 4, 10-22-1997; Ord. No. 97-O-0062, § 2, 1-14-1998; Ord. No. 01-O-51, § 1(10.4.D.5), 10-24-2001; Ord. No. 05-O-14AA, § 3, 4-27-2005)

Sec. 10-320. - Specific development standards.

- (a) *Lot coverage waiver for contributing properties.*
 - (1) Contributing properties which retain their historic structures are eligible for 30 percent additional lot coverage of development which shall be provided to the rear of the existing structure. The architectural review board may grant an additional variance to this standard, provided that it does not impact the historic character of the property from the public right-of-way.
 - (2) Contributing properties which do not retain their historic structure are eligible for the development standards as provided in this section.
- (b)

Park Avenue Special Character District.

(1)

The height, front setback, floor area ratio, and lot coverage shall be as established in the adopted 1992 downtown plan. A five-foot encroachment into front setbacks is permitted for the construction of porches.

(2)

East of Calhoun Street the side setback shall be five feet, and the rear setback shall be zero feet.

(3)

West of Calhoun Street there shall be no side or rear setbacks required, except as necessary for visibility at intersections.

(c)

Calhoun Street Special Character District.

(1)

The height, front setback, floor area ratio, and lot coverage shall be as established in the adopted 1992 downtown plan. A five-foot encroachment into front setbacks is permitted for the construction of porches.

(2)

The side setback shall be 15 feet, and the rear setback shall be ten feet.

(d)

All other properties on the local register of historic places. At the time of designation, the city commission shall identify the appropriate development standards from three alternatives:

(1)

Height—thirty-five feet; front setback—fifteen feet; side setback—fifteen feet; rear setback—ten feet; lot coverage—forty percent; floor area ratio—1.0;

(2)

The underlying development standards, if more appropriate, to maintain the historic character of the property or district; or

(3)

At the time of designation, the planning commission or architectural review board may recommend to the city commission alternative development standards to ensure compatible development appropriate to the site and area.

(e)

Noncontributing properties in residential historic districts. Any alteration of a structure or property identified as noncontributing to the historic district that is described as a regulated work item in section 10-219(a)(3) shall respect neighboring historic development in terms of mass, proportion, scale, rhythm, directional orientation, materials, and landscaping element, though it may be contemporary in design. The historic preservation officer shall review such alteration prior to the issuance of any permits, and shall make a recommendation to the director of growth management, but shall not require a certificate of appropriateness or review by the architectural review board, unless requested by the property owner.

(Code 1984, ch. 27, § 10.4(D)(6); Ord. No. 95-O-0025AA, 9-13-1995; Ord. No. 97-O-0027AA, § 13, 7-8-1997; Ord. No. 97-O-0056, § 4, 10-22-1997; Ord. No. 97-O-0062, § 2, 1-14-1998; Ord. No. 01-O-51, § 1(10.4.D.6), 10-24-2001)

State law reference— Provisions to ensure safe and convenient onsite traffic flow, considering needed vehicle parking required, F.S. § 163.3202(1)(d).

Secs. 10-321—10-330. - Reserved.