

# SMALL BUSINESS FAÇADE, SITE IMPROVEMENT AND ADAPTIVE REUSE PROGRAM

## Breathing New Life into Old Buildings

Policies, Procedures and Conditions

### Purpose

The Small Business Façade, Site Improvement and Adaptive Reuse Program (FSARP) is designed to revitalize business corridors and abandoned buildings within the City limits through funding for building façade, site improvements, and/or building reuse improvements (“Award”). The goal of the FSARP is to preserve our history, contribute to our economic vitality by promoting small business and to cultivate vibrant neighborhood business corridors. The FSARP is designed as a forgivable loan program. Awards made to properties will encourage reuse of vacant or underutilized properties, improve appearance, and support the long-term viability of the City. Over time, the taxable valuation of the improved properties will increase, thus increasing the amount of funds available to revitalize the City.

### Program Structure and Criteria for Selection

The Economic Development Department will oversee the FSARP. The building façade, site and reuse improvements are defined as the renovation/restoration of building faces or sites that are visible from the street and any internal life safety and/or building code (MEP) requirements that arise from a change of use to a building. Funding is based on budget availability and will be considered on a “first come, first served basis”. Application submission **does not** guarantee approval.

Applications will be reviewed for completeness and compliance with program criteria. Projects that do not comply with the program criteria and conditions will not be eligible for funding. All members of the entity applying for the program must sign the grant application. For example, if the applicant is the property owner, all property owners, authorized corporate officers, or partners must sign the application. If the applicant is the tenant, with the property owners consent, all authorized corporate officers or partners of the tenant business must sign the application. Tenants who apply for the program must supply proof of a lease for the subject property that identifies at least three (3) years remaining in the lease term or that extends through the program agreement term (up to five years) as well as a notarized letter from the property owner.

Prior to consideration for a FSARP Award, the subject property must be free from any liens (excluding mortgage liens), judgments, or encumbrances of any kind (excluding easements), and all City obligations must be current. On a case by case basis the City may waive the City obligation requirement if related to a Code Enforcement action on a building’s change of use. The City reserves the right to contract for a title search and/or ownership and encumbrance report at the City’s discretion, the cost for which will be deducted from the award at the time of disbursement, if funding is approved.

All applicants for a FSARP Award must submit to a criminal background check. If the applicant is a corporate entity, the president, director, manager, or, in the case of a partnership, all partners shall submit to a criminal background check. In order to be eligible for funding, applicants must **not** have any of the following: a felony conviction or nolo contendere within the past five (5) years; a felony conviction or nolo contendere for financial/economic crimes within the past ten (10) years; or a felony conviction or nolo contendere for violent or heinous crimes (i.e. murder, sexual battery, sexual assault, armed robbery or burglary, carjacking, home-

invasion, kidnapping, arson, crimes against children, etc.) in their complete history. If the background check reveals any of the above, the applicant will be rendered ineligible for the Grant. Otherwise, results of the background check will be included in the documentation provided to the FSARP Review Committee for consideration as part of the application.

The FSARP Review Committee is designated by the Economic Development Department to review applications on a quarterly basis and to make recommendations of approval, with or without conditions, to the Orlando City Council. Special meetings may be called for time sensitive projects by at least two (2) members of the Committee by written notification to the FSARP Program Coordinator subject to staff recommendation and the Applicant's submittal of a complete application. The FSARP Review Committee is comprised of a representative of the Planning Division designated by the Planning Official, a representative of the Permitting Services Division designated by the Permitting Services Director and a representative of the Business Development Division designated by the Economic Development Director.

The funding awarded will be based on the lowest of at least three (3) qualified bids submitted by the applicant. The owner and/or applicant may elect to choose a contractor other than the one with the lowest qualified bid, but shall be responsible for all costs exceeding the lowest qualified bid. In all cases, the selected contractor must be licensed and insured. The City will not be responsible in any manner for the selection of a contractor. A property owner and/or tenant should pursue all activities necessary to determine contractor qualifications, quality of workmanship, and reputation. The property or business owner will bear full responsibility for reviewing the competence and abilities of prospective contractors and secure proof of their licensing and insurance coverage.

### **Program Funding**

Under the program, the City will reimburse 50% of the total project cost. Except for multi-tenant buildings, total award assistance from the City shall not exceed \$20,000 for façade and site improvements only. If applying for MEP and/or life safety improvements, as required for a change of use, the award assistance from the City shall not exceed \$40,000. If applying for façade, site improvements and MEP/life safety improvements, the award assistance should not exceed \$50,000. All awards will be treated as zero-interest, deferred loans. The applicant(s) will be responsible for the remaining 50% of the total project cost. Applicants that fall within the City's Main Street/Market Street areas, Urban Job Tax Credit Area and/or a designated Brownfield areas/site are eligible for 80% reimbursement. These applicant(s) will be responsible for the remaining 20% of the total project cost.

For those property owner applicants (except owners of multi-tenant buildings) qualifying for the business façade and site improvements only, award amounts of \$1,000 to \$9,999, payment to the City is deferred for a three (3) year period where the loan depreciates at 33% for the first two years and 34% the third year. At the end of three years, the loan is forgiven in its entirety. For award amounts of \$10,000 to \$14,999, payment to the City is deferred for a four (4) year period where the loan depreciates at 25% each year. At the end of four years, the loan is forgiven in its entirety. For award amounts of \$15,000 to \$20,000, payment to the City is deferred for a five (5) year period where the loan depreciates at 20% each year.

For those property owner applicants (except owners of multi-tenant buildings) qualifying for the business façade, site improvements and/or change of use improvements, award amounts of \$1,000 to \$19,000, payment to the City is deferred for a three (3) year period where the loan depreciates at 33% for the first

two years and 34% the third year. At the end of three years, the loan is forgiven in its entirety. For award amounts of \$20,000 to \$34,999, payment to the City is deferred for a four (4) year period where the loan depreciates at 25% each year. At the end of four years, the loan is forgiven in its entirety. For award amounts of \$35,000 to \$50,000, payment to the City is deferred for a five (5) year period where the loan depreciates at 20% each year. At the end of five years, the loan is forgiven in its entirety.

For those business owner applicants qualifying for the business façade, site improvements and/or change of use improvements, payment to the City is deferred for a three (3) year period regardless of the award amount. The loan shall depreciate at 33% for the first two years and 34% the third year. At the end of the three years, the loan is forgiven in its entirety.

Funding for multi-tenant buildings is set forth in a separate section herein entitled “Multi-tenant Buildings”.

If the property is demolished, the title to the property has been transferred, the property has been refinanced, or the property incurs a code enforcement lien during the deferment period, the loan will be prorated accordingly per year and the remaining balance shall be paid back to the City of Orlando Economic Development Department. If the total project cost is \$999 or less, and the property is either demolished, title to the property has been transferred, the property has been refinanced, or the property incurs a code enforcement lien during the one-year period following disbursement of funds by the City, the full amount disbursed shall be paid back to the City of Orlando Economic Development Department.

The amount of the deferred loan will be amortized in monthly installments over a specified period per the agreement term (36, 48 or 60 months) beginning on the date of execution of the Funding Agreement. The City will automatically forgive the monthly installments without any action as the installments become due, as long as the project is in compliance with all terms of the Funding Agreement. Should the façade, site, building code, and/or life safety improvements be altered, destroyed or demolished, or the terms of the Funding Agreement be violated, the outstanding balance of the deferred loan will become due and payable.

All Applicants (and property owners if the applicant is a tenant) must sign the Funding Agreement.

In order to insure that funds are available, improvements to be made under this program must be initiated (secured all necessary permits) within 90 days and completed within one (1) year of the date of execution of the funding agreement. Extensions may be granted by the Economic Development Director given just cause by the applicant. (e.g. contractor delays, Acts of God, etc.)

### **Eligible Applicants**

Manufacturing industries

Construction industries

Technology and communication industries

Business service industries

Transportation and storage industries

Retail and restaurant industries

Business with cultural uses

Personal service industries (i.e. barber shops, beauty shops, laundromats, appliance repair, jewelry and clock repair, duplicating services, health spas, dance studios, photography studios, tailoring, and other similar services)

On a case-by-case basis if a project is located within the City's designated Main Street/Market Street areas, Urban Job Tax Credit Area and/or a designated Brownfield areas/site the City may approve a use not listed within the Eligible Applicants.

**Ineligible Applicants\***

National franchises

Residential property (owners and tenants of residential property)

Not for profit organizations

Government owned or occupied buildings (government owners or government owner/occupants)

Church/religious institutions

Health and medical industries

Agricultural service industries

Tattoo parlors

Body piercing or body art shops

Adult entertainment facilities

Adult oriented or adult themed retail businesses

Nightclubs, bars, or taverns

Liquor stores

Gun shops

Pawn Shops

Businesses that sell drug paraphernalia

Any business or commercial property with outstanding code enforcement violations or liens (unless related to a change of use)

Any business with outstanding red light camera violations

Any business or commercial property that is not current with state and local taxes, and/or has any outstanding tax lien(s) against any property

Any business or commercial property with outstanding debt to the City

\*A copy of the business' license issued by the Florida Department of Business & Professional Regulation may be requested to determine eligibility.

Applications shall meet the criteria outlined below:

1. Buildings must be located within the City of Orlando limits. Small Business Façade, Site and Adaptive Reuse Improvement funding shall only be awarded for eligible properties that pay ad valorem taxes.
2. Applicants must be a commercial property owner and/ or a new, for-profit business (tenant) moving into an existing site, or an existing for-profit business (tenant) in the City of Orlando.
3. All business owner applicants must be a small business as defined by the U. S. Small Business Administration. <http://www.sba.gov/content/small-business-size-standards>
4. All existing business owner applicants must possess a current City of Orlando Business Tax Receipt.

5. All applicants must be current with state, and local taxes, and not have any outstanding tax liens imposed against any property.
6. All applicants must propose a minimum of three (3) distinct improvements.
7. All applicants (business and/ property owner) must not have outstanding code enforcement violations or liens (unless related to a change of use).
8. All applicants must not have outstanding red light camera violations.
9. Except for multi-tenant buildings, only one (1) award per property owner or tenant per fiscal year, and only one (1) award per property per five-year program term. When an entity owns multiple properties that are adjacent, the funding may be shared between these properties for a unified improvement plan. When an entity owns multiple properties that are not adjacent, only one (1) property may receive award monies in that particular fiscal year.
10. Prior to an application being reviewed by the FSARP Review Committee, all proposed improvements must meet the requirements of the Appearance Review Board (ARB), if located in Downtown Orlando; the Historic Preservation Board (HPB) if located within a Downtown Historic District; or the Board of Zoning Adjustment (BZA) as well as all other City Code requirements. Approvals or Certificates issued by the ARB, HPB or BZA do not guarantee approval of a FSARP Grant.
11. Applications must be approved by City Council prior to the commencement of any façade, site, MEP and/or life safety improvement work sought to be covered under this Program. No funding will be awarded retroactively.
12. Recipients of FSARP assistance may apply for the Business Assistance Program (BAP). Past BAP recipients may also apply for FSARP assistance. However, total assistance from both programs may not exceed \$20,000 if utilizing only the business facade and site improvements and \$50,000 if utilizing business façade, site, MEP and/or life safety improvements. An exception shall be made if a recipient of FSARP assistance is required by the City to make improvements to the City's right-of-way (which includes, but is not limited to, street lighting and fire hydrant installation/relocation, sidewalk repairs; traffic signalization; water and sewer line construction, removal or relocation; curb, gutter, street improvements and landscaping.). In that instance, the recipient may apply for the BAP and receive assistance for up to \$20,000. MEBA applicants may also apply for FSARP assistance.
13. **Recipients of FSARP assistance may also apply for the Downtown Façade and Building Stabilization Program (DFBSP) if the property falls within the Downtown CRA. Applicants may qualify for the maximum funding allowed under each program. The program coordinators will work closely to ensure that there is no overlap between the proposed improvements.**
14. Funding shall be approved by the FSARP Review Committee, based upon factors including:

- a. Location within a high traffic, high visibility area/business corridor
- b. Improvement to the overall appearance of the site
- c. Quality of design
- d. Consistency of proposed facade design with design goals of surrounding area
- e. Location within an Orlando Main Street/Market Street District, Brownfield area/site, and/or Urban Job Tax Credit area
- f. Contribution to historic renovation or restoration
- g. Will serve as a catalyst for redevelopment
- h. Incorporation of sustainable materials and/or methods
- i. Business tenure in the City

Only completed applications will be accepted. Incomplete applications will be returned to the applicant.

## **Multi-tenant Buildings**

### **Façade and Site Improvements**

1. **Property Owner Applicants:** Property owners who lease to two or more street level businesses in a single building (multi-tenant building) with clearly defined entrances into storefronts that are visible from the public right-of-way may apply for the program assistance for façade and site improvements. The term of the program agreement shall be for five (5) years. If the owner seeks program assistance for more than one multi-tenant building, the owner may submit an application for one of the buildings in one fiscal year, and an application for the other building in a following fiscal year. Multi-tenant building owners may apply for program assistance a second time for the same multi-tenant building after the expiration of the first program agreement.

2. **Business Owner Applicants:** Business owners who lease space in a multi-tenant building (tenants) containing clearly defined entrances into storefronts that are visible from the public right-of-way may apply for program assistance for façade and site improvements. The term of the program agreement shall be for three (3) years. Tenants may apply for program assistance a second time for the same tenant space two (2) years after the expiration of the first program agreement. The property owner must sign an affidavit acknowledging that they have reviewed the tenants' proposal/plans for the façade and site improvements.

3. **Maximum Award Amount:** The maximum eligible award amount for multi-tenant buildings for façade and site improvements shall not exceed \$40,000 per building.

### **Adaptive Reuse Improvements**

1. **Business Owner Applicants:** The term of the program agreement shall be for three (3) years. Tenants may apply for program assistance a second time one (1) year after the expiration of the first program agreement. The tenant must be the original business entity and be in the process of expansion either on the same property or on a different property and incur additional change of use requirements. If a new tenant is occupying a space that has previously qualified for program assistance for adaptive reuse improvements, the new tenant may apply for the program if it is undergoing a change of use for that space. The property owner must sign an affidavit acknowledging that they have reviewed the tenants' proposal/plans

for the adaptive reuse improvements.

2. **Property Owner Applicants:** Only tenants may apply for these type of improvements.

3. **Maximum Award Amount:** The maximum eligible award amount for multi-tenant buildings for adaptive reuse improvements shall not exceed \$40,000 per tenant space. If a tenant is applying for both façade/site improvements and adaptive reuse improvements, the award assistance should not exceed \$50,000.

### Additional Funding Information

All awards will be treated as zero-interest, deferred loans. The applicant(s) will be responsible for the remaining 50% of the total project cost.

Applicants that fall within the City's Main Street/Market Street areas, Urban Job Tax Credit Area and/or a designated Brownfield areas/site are eligible for 80% reimbursement. These applicant(s) will be responsible for the remaining 20% of the total project cost.

### Eligible Improvements

Property owners and/or tenants may apply for the Program. Tenants applying for funding shall provide written permission from the property owner in addition to the signed Owner's Affidavit.

The entire building façade, MEP and/or life safety plans of a subject application must be included in the renovation/restoration plans. **A minimum of three (3) improvements must be proposed.** Eligible costs for Grant participation include, but are not limited to:

- a. Façade Rehabilitation
- b. Removal of non-contributing false facades
- c. Building cleaning (non-sandblasting)
- d. Stucco restoration
- e. Tuck pointing masonry
- f. Painting
- g. Replacement or reconstructive woodwork
- h. New doors and windows
- i. Restoration of historically appropriate doors, windows, or building features
- j. Signs, awnings, murals, and canopies (must be associated with other façade improvements and no more than 50% of total Grant may be used toward signage or mural. An exemption can be made for properties located within special plan areas.)
  - i. Mural design must be approved by the FSARP Review Committee
  - ii. Mural design must meet current guidelines of Artistic Mural Pilot Program
  - iii. The FSARP Committee has the authority to deny funding for a mural if it determines that there are imperative improvements needed on the site
- k. Exterior lighting\*
- l. Site Improvements
  - i. Landscaping
    1. Includes hardscaping around perimeter of property

2. Irrigation may also be included if required to support landscaping
3. Preference given to drought-tolerant trees and plants
4. Must be compliant with City Code
- ii. Parking lot improvements
  1. Parking lot improvements must be permanent (temporary and conditional uses not eligible).
  2. Parking lot improvements must be visible from the public right-of-way, adjacent to the front of the façade
- iii. Fencing around the perimeter of the property
  1. Must be associated with other improvements
  2. Must be consistent with City Code
- m. MEP Improvements
  1. Must be associated with a buildings change of use
  2. Must be compliant with the City Code and State of Florida Building Code
  3. Improvements include but are not limited to:
    - a. Mechanical
    - b. Electrical
    - c. Plumbing
- n. Interior Life Safety Improvements
  - i. Must be associated with a buildings' change of use
  - ii. Must be compliant with City Code and State of Florida Building Code
  - iii. Improvements include but are not limited to:
    1. Fire walls
    2. Sprinklers
    3. Egress
    4. Fire alarm, exit signs and automatic lights

\*Projects that include up lighting are encouraged, but not required, to utilize the OUConvenient Lighting program. Contact OUC at (407) 423-9018, option 3 for details and information about the program.

It is strongly recommended that applicants retain the services of a registered architect, or similarly qualified licensed design professional, to prepare plans, drawings, and construction specifications for their project. Fees for services provided by a registered architect or similar qualified design professional may be counted towards the applicant's program match.

### **Ineligible Items**

The following items are ineligible for reimbursement:

1. New building construction or new building additions
2. Roofs
3. Structural improvements
4. Interior improvements (not including MEP and/or life safety improvements related to a change of use)
5. Refinancing existing debts
6. Non-fixed improvements, inventory, or equipment
7. Payroll (not including work to be done by owners as part of grant match) and associated



- overhead costs
- 8. Improvements or expenditures made prior to execution of the funding agreement
- 9. General periodic maintenance
- 10. Consultant fees
- 11. Costs associated with architectural design or preparation of construction documents

## **Procedures**

The procedure for project review is as follows:

### **1. Pre-Application Meeting**

The applicant is required to meet with the FSARP Program Coordinator who will review the applicant's plans per the program requirements to determine eligibility. The Coordinator will provide the applicant with general guidance as to whether the proposed project is likely to qualify for program funds and whether the applicant is sufficiently prepared to move forward to submit the application.

If the application appears ready to move forward, the Coordinator will instruct the applicant to proceed with any necessary review by the Appearance Review Board (ARB) if located in Downtown Orlando, the Historic Preservation Board (HPB) if located within a Downtown Historic District or the Board of Zoning Approval (BZA) if a zoning variance is required. If these reviews are not required, the applicant may move forward with application submission.

### **2. Program Application Submission**

Following approval by the ARB, HPB and BZA and issuance of the appropriate review Certificate, the Grant application and all attachments may be submitted to the FSRP Program Coordinator for formal consideration of funding. A \$50 non-refundable application fee is due with application submission. The application fee offsets the cost of background checks and other necessary due diligence performed by the FSRP Program Coordinator.

### **3. Review Program Application**

Once an eligible application and the supporting documents are received, the FSARP Program Coordinator will then conduct the mandatory criminal background check and assess the application with regard to all program requirements. All eligible applications will be forwarded to the FSARP Review Committee for review according to the program criteria in an interview format with the applicant. The Committee may recommend approval, denial, modification, or tabling applications. If the Committee recommends approval of an application, it shall establish the City's maximum award participation (not to exceed dollar amount) based on the lowest of the three (3) qualified bids submitted by the applicant.

### **4. Final Agreement and Construction**

Once the FSARP Review Committee recommends approval, a funding agreement will be presented to City Council for approval. If approved for funding, the applicant (and property owners, if a tenant is the applicant) shall sign the required funding agreement. After the funding agreement has been executed on behalf of the City, the applicant may secure permission from the City to construct by securing appropriate building permits. Substantial modifications to final plans or change orders to construction documents which produce visible differences in the previously approved façade design will require review and approval of the FSARP Review Committee. Evidence of licensure and

insurance of the selected contractor(s) shall be submitted to the FSRP Program Coordinator prior to commencement of any work associated with the funding.

#### **5. Construction Approval**

On completion of construction, including final inspection by the Permitting Services Division, the awardee shall submit a request for reimbursement to the FSRP Program Coordinator. Along with request for reimbursement, the awardee must submit the following to assure the terms of the agreement have been honored:

- Proof of all project costs, including contractor invoices
- Receipts proving payment for services and supplies
- Lien release(s) by the contractor(s)
- One photo of each improvement and at least one photo of the entire façade , MEP and/or life safety improvements

The FSRP Program Coordinator will certify that all work was permitted and inspected by the City's Permitting Services Division and verify the work was completed in a satisfactory and professional manner. Discrepancies will be noted and a time frame for their correction will be established as necessary. If there is a strong deviation in improvements as approved by the FSRP Review Committee, the City reserves the right to deny reimbursement.

#### **6. Disbursements**

Funds will generally be provided upon completion of the project. However, at the City's discretion and pursuant to the terms of the funding agreement, funds may be distributed incrementally as phases of the approved project are completed. Reimbursements will be made according to City's accounting procedures with funds disbursed by check payable to the grantee. All funds shall be issued to the awardee on a reimbursement basis only.

### **Available Funds**

The City may from time to time at its discretion establish annual funding for the program.

### **Disclosures**

The City expressly reserves the right to reject any and all applications or to request additional information from any and all applicants and awardees. The City retains the right to amend the program guidelines, deviate from the guidelines, and amend agreements and/or application procedures. The City also retains the right to display and advertise properties that receive matching funds under this program.