

DRAFT 11-16-18 – revised 12-5-18 (following Nov. 19 P&Z workshop)

City of Apalachicola, Florida

Historic and Cultural Preservation

Ordinance Number 2018-----

**An ordinance repealing Chapter VI in its entirety and creating the purpose and intent of protecting historic assets, requirements for obtaining a Certificate of Appropriateness within the Historic District; providing for protective maintenance of historic structures, providing required material descriptions; amending Chapter II, Definitions; amending Chapter VII, part C, 2b and providing for severance.**

Whereas, the protection, preservation, restoration, and enhancement of historic assets is a public purpose essential to public health, safety, and welfare and enhances property values and preserves the City’s status as a desirable tourist destination and provides cultural enrichment and civic pride to the City’s residents;

Whereas, the City has adopted a Historic Element within the Apalachicola Comprehensive Plan which has committed to the adoption of regulations to direct and guide the maintenance and improvement of the Historic District;

Whereas the preservation of historic assets is necessary to maintain the City’s eligibility to receive grants and other forms of aid from state and federal programs that are conditioned on protection of historic assets;

Whereas there are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections of state and local governments, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in expenditures by tourists visiting historic sites; now therefore, the City amends:

## **Chapter VI. HISTORIC AND CULTURAL PRESERVATION**

### **A. GENERAL PROVISIONS**

#### **1.Purpose and Intent**

- a) The purpose of this Chapter is to protect, preserve, restore, and enhance the City's historic assets, including the original plat of the City as laid out in 1836 historic sites, structures, areas and objects located in the City and to ensure that future development is consistent in scale, height, mass, type and location with the City's historic legacy. The City's historic plat, sites, structures, areas, and objects are irreplaceable assets of the City. Their protection, preservation, restoration, and enhancement are a public purpose essential to public health, safety, and welfare. Preservation efforts will make available to future generations knowledge of the City's history and accomplishments and enhance property values.
- b) The intent of this Chapter is to implement the City's Comprehensive Plan, and the policy of the State of Florida, as expressed in the State's Constitution and statutes, to protect and preserve the State's scenic beauty, and historic assets. It is also the purpose and intent of this Chapter that it be consistent with policies and programs of the United States Department of the Interior, Standards for the Treatment of Historic Properties, to preserve historic assets and to maintain the City's eligibility to receive grants and other forms of aid from state and federal programs that are conditioned on protection of historic assets.

## 2. Interpretation of this Chapter

- a) The terms used in this Chapter are defined in Chapter II, Definitions.
- b) The provisions of this Chapter shall be construed in harmony with the regulations for Zoning Districts provided for in Chapter IV. However, in all Zoning Districts lying within the Historic District, the regulations for both the Zoning District and the Historic District shall apply; and in any case of ambiguity the more restrictive standard shall control.

## 3. Architectural Review Board

As provided in Chapter III, it shall be the duty of the Planning and Zoning Board, sitting as the Architectural Review Board, to implement the provisions of this Chapter.

# **B. HISTORIC PROTECTION, PRESERVATION, RESTORATION, AND ENHANCEMENT**

## 1. Historic District

A Historic District is established for the City of Apalachicola. As provided in Chapter II, Definitions, the boundaries of the Historic District are established on Map A of the Historic Element of the Apalachicola Comprehensive Plan as the Historic District. Any change in the boundaries of the Historic District shall be adopted pursuant to the general provisions and procedures governing changes to the Apalachicola Comprehensive Plan. Within the Historic District there are Contributing and Non-Contributing Structures. -For the purpose of

interpreting Chapter VI, designation as a Contributing or Non-Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District, for inclusion of the Historic District on the National Register of Historic Places. The 1980 Map B designation of as a Conforming Structure shall mean a Contributing Structure and designation as a Non-Conforming Structure shall mean a Non-contributing Structure.

## 2. Relationship to Zoning Districts

- a) The regulations provided in this Chapter shall apply to any portion of any Zoning District located within the boundaries of the Historic District, in addition to the regulations for that Zoning District. In any case of ambiguity, the more restrictive standard shall control. It is not the intent of regulations of this Chapter to regulate lot coverage, height, setback, or density as those elements are regulated in Chapter IV.
- b) The City may utilize the state of Florida Master Site File Listings that correspond to structures surveyed in 1980 as part of the National Register of Historic Places to determine the Contributing or Non-Contributing designation of a structure, to determine the historic site plan orientation and other applicable site plan information.

## 3. Protection and Enhancement of the Historic Plat

- a) Development that would alter the Historic Plat shall not be permitted.

b) The City's Historic Squares are identified as Washington Square, Gorrie Square (originally City Square), Chapman Square (Originally Marshall Square), Franklin Square, Madison Square and City Square (originally White Square.)

1) The intent of the City is to preserve the Historic City Squares as public open space. The squares are designated on the City Land Use Map adopted as part of the Apalachicola Comprehensive Plan as Public Facilities, a land use classification broadly defined as open space and passive recreation.

2) With the exception of the Washington Square parcel or State-owned property within the Squares, only public infrastructure projects shall be allowed on Historic Square parcels. Renovation of existing structures will be designed to minimize the footprint of existing structures and maximize open space in accordance with the intent to preserve the Historic Square parcels as public space.

3) New development on any lot abutting the Historic Square parcels must be compatible with the existing structures, squares, streetscapes and places to which it would visually relate.

New construction on a lot abutting a square shall have a porch and an entrance on the elevation facing the Square, in addition to any other entrances or porches on the structure.

#### 4. Certificate of Appropriateness

a) A Certificate of Appropriateness shall be required before any permit is issued for any of the following within the Historic District:

1. Demolition of a Contributing Structure;
2. Moving a Contributing Structure;
3. A material change in the exterior appearance of an existing structure by addition, reconstruction, or alteration;
4. New construction of a principal or accessory structure;
5. A material change in an existing wall or fence, or construction of a new wall or fence

b) An application for a Certificate of Appropriateness shall be made in the City Office on forms provided by the City. An application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required for the Architectural Review Board to evaluate the application for compliance with the regulations of this Chapter. All applications for commercial structures must be filed in electronic format. A complete application for any proposed development -must be filed no later than 30 days prior to any meeting of the Board at which such application is to be heard. The Staff of the City evaluating the application, or the Board may require additional information necessary to determine whether the application complies with the provisions of this Chapter. The request for additional information shall extend the 30 day deadline until the application is complete.

c) The Building Department shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, to the Architectural Review Board for review. Personal attendance of the applicant or his agent is required at the hearing for consideration of the application. If the Board approves the application, a Certificate of Appropriateness shall be issued. If the Board denies an application, the Board shall state the reasons for denial in writing and a Certificate of Appropriateness shall not be issued.

#### 5. Development Standards

a) A Contributing Structure, or any related appurtenance, including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve the architectural character of the building, structure, or appurtenance; and shall be compatible with buildings, structures, squares, streetscapes, and places to which it is or would be visually related.

b) A Contributing Structure shall be maintained to meet the requirements of the Building Code.

c) The construction of a new building or structure within the Historic District shall be generally of such form, type, proportion, mass, scale, configuration, building material, texture and location on a lot as will be compatible with other structures in the Historic District, and particularly with Contributing Structures and squares, streetscapes, and places to which it is visually related.

d) The alteration, reconstruction, or relocation of any existing Non-Contributing Structure shall be allowed consistent with the existing design of the structure.

e) A Contributing Structure shall not be demolished unless its condition is irrevocably compromised by deterioration. A demolition permit shall be required to demolish any Contributing Structure in accordance with the demolition permit provisions of the City's Land Development Code

f) A Contributing Structure shall not be relocated on another site unless the Board determines that the relocation is the only reasonable alternative to demolition. When an applicant seeks a Certificate of Appropriateness to relocate a Contributing Structure, evidence must be presented to the Board that the structure can be moved without damage to its structural integrity and without loss of its historic physical characteristics, and that the structure would be compatible with structures, squares, streetscapes and places to which it is visually related at the proposed site.

g) The following regulations apply to exterior finishes:

1) Wood lapped siding, novelty siding, and board and batten siding and shingles are permitted on structures in the Historic District, with dimensions and trim boards that are visually compatible with structures, squares, streetscapes, and places to which they are visually related.

2) Non-wood lapped siding, board and batten, and shingles, such as fiber cement board (Hardy Board and similar products with smooth, not false-simulated wood grain) are permitted on structures in the Historic District, with dimensions of trim boards that are compatible with structures, squares, streetscapes, and places to which they are visually related.

3) Replacement siding on a Contributing Structure must approximate the original siding in style and dimension of trim boards. Wood or fiber cement materials are permitted for replacement siding.

4) Masonry materials, such as brick, stone, stucco and concrete masonry units are permitted on structures in the Historic District.

5) Repairs or replacements to masonry materials, such as brick, stone, stucco and concrete masonry units must be similar in material, dimension, and texture to the historic material on a Contributing Structure. Masonry repointing must be compatible with respect to the historic material and texture.

6) Masonry materials and joints, dimensions, and texture for alteration of a Non-Contributing structure or new construction, must be similar to and compatible with structures, squares, streetscapes and places to which the structure is visually related.

h) The following regulations apply to windows, doors, shutters, and awnings:

1) Window glass shall be clear and transparent. Laminated impact-resistant glass, wind-resistant films and acrylic sheets are permitted, if the appearance of windows on the exterior is not affected. Doors may include clear glass, cut glass or stained glass, as appropriate to the style of the structure.

2) Replacement windows, doors, transoms and sidelights on a Contributing Structure shall be made to fit the original openings without the use of blocking or infill. Such replacement windows, doors, transoms and sidelights shall have sills, mullions, sashes, surrounds and other features that are similar and compatible with the historic materials and dimensions of the structure. The addition of a new window or door opening in a Contributing Structure is permitted if the new window or door contributes to the historic style of the structure, based on the style, scale, location and proportion of the new window or door.

3) Alteration of windows and doors on a Non-Contributing Structure and windows and doors on new construction shall be compatible with buildings, structures, squares, streetscapes, and places to which they are visually related.

4) Shutters on a Contributing Structure that were historically present must be retained and repaired or replaced with shutters that are similar in style, dimension, and method of attachment.

5) Removable hurricane shutters, with tracks matching the primary structure, are permitted on a Contributing or Non-Contributing Structure and new construction. Roll down and accordion hurricane shutters, which are compatible with the immediate vicinity of the structure and with the historic district are permitted on a case-by-case basis.

6) Awnings on a Contributing or Non-Contributing Structure or new construction must be compatible with the building type and style of the structure. Illuminated awnings and colored or clear awnings of acrylic materials are prohibited.

i) The following regulations apply to roof materials and roof alterations:

1) Roof materials for a Contributing or Non-Contributing Structure and new construction shall be metal, unless there is historical evidence of other materials, such as asphalt/fiberglass shingles, wood shakes, or other materials, in which case, the Board may approve the use of other materials at the request of the applicant.

2) The roofs on a Contributing Structure must maintain the historic roof form and pitch. Other roof features, such as chimneys, widow walks and scuttles shall not be removed. New dormers

are permitted if the dormer is compatible with the style, form and proportion of the Contributing Structure, as based on similar structures in the Historic District.

3) New roof-mounted solar collectors, scuttles and skylights in a Contributing or Non-Contributing Structure and new construction shall be flat mounted on the roof.

4) Roof decks are prohibited, except for structures with flat or low-slope roofs.

j) The following regulations apply to porches and storefronts:

1) Porches on residential structures are a defining characteristic of the Historic District and all residential structures, whether Contributing, Non-Contributing or new construction must retain, restore, rehabilitate, reconstruct during rehabilitation or include a new porch, either as a front porch, a side porch, or both.

2) Porches on a Contributing Structure shall not be demolished and shall be restored or rehabilitated when the structure is renovated to be compatible with the original porch. If a porch has been previously demolished, a new porch is required when the structure is renovated and shall be compatible with the historic type and style of the Contributing Structure.

3) Porch enclosures are permitted with transparent screening to be minimally visible from the adjacent street or avenue. New full or partial enclosures are not permitted on a Contributing Structure, but may be allowed on a Non-Contributing Structure and new construction if it would be compatible with similar structures in the Historic District.

4) The historic storefront on a Contributing Structure shall be preserved, restored or reconstructed, including the style, dimension and materials of windows, doors, transoms, awnings and other features that contribute to the historic style of the structure. Blinking or chasing lighting is prohibited; fluorescent lighting must be concealed from view, and neon lighting is permitted only if replacing historic features in the building.

k) The following regulation applies to exterior decorative details:

1) Exterior architectural details on a Contributing Structure, including porches, entries, roof gable ends, and friezes, windows and doors, must be preserved or replaced in kind.

l) The following regulations apply to an Accessory Structure:

1) Accessory structures such as garages, carports, boat sheds, guesthouses, pools, storage sheds, pool cabanas, studios and similar structures shall be compatible with the principal structure on the lot in materials, style, height, scale and massing, and shall only be permitted in the rear or side yard.

2) Accessory structures shall not exceed the height of the principle structure.

m) The following regulations apply to site improvements:

1) Decks, swimming pools, hot tubs, exterior HVAC units, antennas and satellite dishes and other such equipment shall be located only in rear and side yards.

2) Parking shall be located in the rear or side yards.

3) Fences are permitted in accordance with the regulations of the City's Land Development Code.

4) Temporary ramps necessary to meet ADA building codes are permitted, but must be removed when no longer necessary. Permanent ramps are not permitted except for structures requiring public access in which case the ramp must be compatible in material, detail and scale with the structure.

5) Archeological resources found on site or during excavations shall be reported to the City of Apalachicola, prior to disturbing such resources, for the purposes of assessment of value and recovery.

**Amend chapter 2 of the Apalachicola Land Development Regulations chapter 2, definitions to include:**

***Contributing Structure*** means a site, structure or object in the Historic District which adds to the historical/architectural qualities, historic associations or archaeological values for which a Historic District is significant and it is on the Florida Master Site File of Historic Places as a Contributing or Altered Structure. For the purpose of interpreting Chapter VI, designation as a Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District.

***Exterior Architectural Features*** includes, but is 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, and material of roofs, windows, doors, siding, masonry, porches, storefronts, and other architectural features.

**Florida Master Site File:** a listing of the Contributing Structures within the Historic District that have been recorded with the National Register of Historic Places.

**Irrevocably Compromised:** Unfit for habitation as determined by the Building Official or in need of substantial improvement that has been valued by an architect or engineer at more than 80% of the value of the structure (not counting the value of the land).

**Non-Contributing Structure:** a site, structure or object in the Historic District which does not meet the criteria for a Contributing Structure. For the purpose of interpreting Chapter VI, designation as a Non-Contributing Structure shall correspond to the Florida Master Site File Listings adopted as part of the City's Comprehensive Plan as the survey documentation, identified as map B City of the Apalachicola Historic District.

**Plat -Historic:** the original plat of the city made in 1836 including city squares, streets, and alleys. The original document establishing the 1836 plat is shown on a document dated 1837 contained in the Archives of the University of Florida Smathers Library. The 1837 map shall be considered an accurate representation of the Historic Plat and used as such whenever necessary.

**Restoration:** the process of accurately recovering the form and details of a property and its setting as it appeared at the historic period of which qualifies the structure as a Contributing Structure by means of the removal of later work or by the replacement of missing earlier work.

Repeal Chapter 7, part c, 2b and replace with: The completed site plan shall be prepared in accordance with requirements contained in this section and shall be submitted to the City Planning Department no later than 30 days prior to any meeting of the Board at which the application is to be heard for the plan to be on the agenda.

**Section 5. Effective Date.** This Ordinance shall be filed with the Secretary of State within ten days of adoption and shall take effect upon final agency action of the Department of Economic Opportunity.

**PASSED AND ADOPTED** in Regular Session this \_\_\_\_ day of \_\_\_\_\_ 2019.

ATTEST:

APALACHICOLA CITY COMMISSIONERS

Mayor Van Johnson \_\_\_\_\_ Date

J. Patrick Floyd \_\_\_\_\_ Date

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City Clerk \_\_\_\_\_ Date

Introduction to Planning and Zoning on October 8, 2018. No vote taken.

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