

VI. HISTORIC AND CULTURAL PRESERVATION REGULATIONS

A. GENERAL PROVISIONS

1. Legislative Intent and Findings

The City Commission of the City of Apalachicola hereby finds as follows:

- a) There are located within the City of Apalachicola, sites, buildings, structures, objects and areas, both public and private, which are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
- b) The recognition, protection, enhancement and use of such resources is a public purpose and is essential to the health, safety, morals, and economic, educational, cultural and general welfare of the public, since these efforts result in the enhancement of property values; the stabilization of neighborhoods and areas of the City; the increase of the economic benefits to the City and its inhabitants; the promotion of local interests; the enrichment of human life in its educational and cultural dimensions serving spiritual as well as material needs; and the fostering of civic pride in the beauty and noble accomplishments of the past.
- c) The City Commission desires to take advantage of all available state and Federal Laws and programs that may assist in the development of the City of Apalachicola.
- d) The policy of the City of Apalachicola is to conserve the existing housing stock and extend the economic life of each housing unit through the rehabilitation of such units under housing and neighborhood development programs in selected areas;
- e) The City of Apalachicola in applying for block grant funds under the Housing and Community Development Act of 1974, must comply with the requirements of several federal laws relating to the protection of historical, architectural, archeological and cultural resources as part of the environmental review process;
- f) Inherent in the enactment and implementation of these federal mandates is the policy of the United States Government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people, that in the face of ever—increasing extensions of urban centers, highways, and residential, commercial and industrial developments, and present governmental and non-governmental programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;

- g) It is the will of the people of the State of Florida as expressed in Article II, Section 7 of the 1968 Constitution, that the State's natural resources and scenic beauty be conserved and protected; and
- h) It is the will of the State Legislature as expressed in Chapter 267 of the Florida Statutes that the State's historic sites and properties, buildings, artifacts, treasure troves, and objects of antiquity, which have scientific or historical value, or, are of interest to the public, be protected and preserved.

2. Objective and Purpose

In recognition of these findings, the purpose of this ordinance is to promote the health, morals, economic, educational, aesthetic, cultural, historic and general welfare of the public through:

- a) The identification, protection, enhancement, perpetuation and use of districts, sites, buildings, structures, objects and areas that are reminders of past eras, events, and persons important in local, state or natural history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which past generations lived;
- b) The enhancement of property values, the stabilization of neighborhoods and business centers of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of local interest;
- c) The preservation and enhancement of varied architectural styles, reflecting the City's cultural, social, economic, political and architectural history; and
- d) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

B. ADMINISTRATION

1. Establishment, Organization, Duties and Zones

- a) Establishment: Pursuant to the provisions of Chapter 163, Florida Statutes the Planning and Zoning Commission is hereby established as an Architectural Review Board, hereinafter referred to as the "Board". The Board shall have the power to adopt rules for the transaction of its business, the holding of meetings and such other activities as are incident to its function.
- b) Organization: The Board's organization shall be as specified in Chapter 163 Florida Statutes, the Apalachicola Code of Ordinances as per the City Charter and Section III of this Code for the Planning and Zoning Commission of Apalachicola.
- c) Duties: The Board shall have as its purpose the preservation and protection of buildings of historic and architectural value in the Apalachicola Historic District, hereinafter referred to as the "District", and the maintenance of the distinctive character of the District. To this end, it

shall be the duty of the Board to pass upon plans for the erection, construction, alteration, renovation and razing of all buildings or structures located or to be located within the District affecting the outward appearance of all such buildings or structures. Furthermore, the Board shall establish standards and criteria for determining visual compatibility and such factors necessary for the implementation of this ordinance. Such standards and criteria will be based largely on the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures. Wherever applicable, the Architectural Review Board shall solicit the assistance of the Florida Department of State, Division of Archives and History for technical assistance in reviewing proposals for certificates of appropriateness.

- d) **Zones:** The boundaries designated on the zoning map of the City of Apalachicola as the boundaries of the Historic District shall coincide with the boundaries as designated herein.
2. **Relationship to Zoning Districts:** The Historic District regulations as provided herein for zones within said district are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, street-scapes, squares, and neighborhoods of the historic area. In all zoning districts lying within the boundaries of the Historic District, the regulations for both the zoning district and the Historic District, shall apply. It is not the intent of this section to regulate specific building densities or setbacks as they are covered elsewhere in this code.
 3. **Classification of Buildings and Structures:** Within the Historic District, all buildings are classified and designated as:
 - a) **Historic:** Those buildings classified as historic shall possess identified historical architectural merit of a degree warranting their preservation. They shall be further classified as:
 - 1) Historic
 - 2) Altered Structures
 4. **Definitions**
 - a) **Altered Structures:** Generally, these are the same as "historic" structures; however, alterations have occurred which change the building's basic character, e.g. inappropriate new siding, replaced window sashes, enclosed porches, major additions.
 - b) **Area.** A clear or open space of land or right-of-way, or the enclosed space or location on which a building stood, stands, or could stand.
 - c) **Building.** A structure to shelter any form of human activity. This may refer to a house, barn, garage, hotel or similar structure. Buildings may refer to a historically or architecturally related complex, such as a house and jail, or a house and barn.
 - d) **Certification of Appropriateness.** The permit which is required to be issued by the Board prior to any action as set forth in this code.

- e) Commission or City Commission. The City Commission of the City of Apalachicola.
 - f) Historic Structures. Buildings or structures which generally dated from the nineteenth or early twentieth century and reflect Apalachicola's development during cotton trading, lumbering and seafood processing eras. Use and function are not a factor. Scale and building materials are important considerations.
 - g) Demolition. The tearing down or razing of 25% or more of a structure's existing external walls.
 - h) Documentation. Photographs, slides, drawings, plans, or written descriptions.
 - i) Exterior. The outside part of a building, structure, or object.
 - j) Material Alteration. As used elsewhere in this code, material alteration shall be defined as construction, or change in appearance of the exterior. For buildings, structures or objects, material alteration shall include, but is not limited to, the changing of roofing or siding substances; changing, eliminating, or adding doors, door frames, windows, window frames, gutters, fences, railings, porches, balconies or other ornamentation. For buildings, structures or objects, material alteration shall not include ordinary maintenance repair and repainting.
 - k) Non-Rated. Generally, these are buildings or structures which postdated World War I and do not reflect the scale, set back or materials used in the buildings of the earlier years. Examples would be one story brick or concrete block ranch houses built on grade.
 - l) Object. A material thing of functional, aesthetic, cultural, historical or scientific value that may be by nature of design, movable, yet is related to a specific setting or environment.
 - m) Ordinary Maintenance. Work done to repair damage or to prevent deterioration or decay of a building or structure or any part thereof by restoring the building or structure or part thereof as nearly as practicable to its condition prior to such damage, deterioration or decay.
 - n) Site. The location of a significant event, activity, building, structure or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structures.
 - o) Squares. Shall refer to those areas of the City as identified on the Official Map of the City of Apalachicola, as Chapman Square, Gorrie Square, Franklin Square, Madison Square and City Square.
 - p) Structures. A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it may be an engineering project large in scale.
5. Certificate of Appropriateness Required. A certificate of appropriateness issued by the Building Inspector after approval by the Board shall be required before a permit is issued for any of the following:
- a) Within the entire Historic District
 - 1) Demolition of a historic building
 - 2) Moving a historic building

- 3) Material change in the exterior appearance of existing buildings classified as historic by additions, reconstruction, or alteration.
 - 4) Any new construction of a principal building or accessory.
 - 5) Change in existing walls and fences, or construction of new walls and fences, if along public street rights-of-way, excluding lanes.
 - 6) Material change in the exterior appearance of existing non-rated buildings by additions, reconstruction, alteration, if subject to view from a public street.
- b) Application for Certificate of Appropriateness. Application for a certificate of appropriateness shall be made in the City Office on forms provided therefor, obtainable at said office. Detailed drawing, plans, or specifications shall not be required but each 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 Board and the Building Inspector to make a decision. Such application must be filed no later than ten days prior to any meeting of the Board at which such application is to be heard.
- c) Action on Application for Certificate of Appropriateness. The Building Inspector shall transmit the application for certificate of appropriateness, together with the supporting information and material to the Board for approval. The Board shall act upon the application within 30 days after the filing thereof, otherwise the application shall be deemed approved and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the Board may advise the applicant and make recommendations in regard to the appropriateness. If the Board approves the application, a certificate of appropriateness shall be issued. If the certificate of appropriateness is issued, the application shall be processed in the same manner as applications for building or demolition permits. If the Board disapproves an application, a certificate of appropriateness shall not be issued. The Board shall state its reason in writing, and the Building Inspector shall advise the applicant and a permit shall not be issued. Effort will be made to review economic hardship cases with full consideration of all extenuating circumstances.

6. Development Standards

- a) Preservation of Historic Buildings within all zones in the Historic District. A building or structure classified as historic or any appurtenance related thereto including but not limited to stone walls, fences, light fixtures, steps, paving and signs shall only be moved, reconstructed, altered or maintained in a manner that will preserve the historical and architectural character of the building, structure or appurtenance thereto.
- b) Demolition of Historic Buildings. Whenever a property owner shows that a building classified as historic is incapable of earning an economic return on its

value, as appraised by a qualified real estate appraiser, and the Board fails to approve the issuance of a Certificate of Appropriateness, such building may be demolished, provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given as follows:

- 1) For buildings rated conforming 6 months.
- 2) For buildings rated altered 3 months.

Notice shall be posted on the premise of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice shall be published not more than 15 days after the application for a permit to demolish is filed. The purpose of this section is to further the culture, traditions, and the economic values of the City, and to afford the City, interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings. The Board may at any time during such stay approve a certificate of appropriateness in which event a permit shall be issued without further delay.

- c) Relocation of Historic Buildings. A historic building shall not be relocated on another site unless it is shown that the preservation on its existing site is not consistent with the purposes of such building on such site.
- d) Protective Maintenance of Historic Buildings. Historic buildings shall be maintained to meet the requirements of the Minimum Housing Code and the Building Code. Provided, however, that notice to the owners as required by the building code for unsafe buildings shall further provide in the case of historic buildings that this Ordinance will require a permit after approval of the Board before demolition and in the meantime, the owner shall cause such building or structure or portion thereof to be secured in which event the cost thereof shall be charged to the owner of the premises and collected in the manner provided by law.
- e) New Construction. The construction of a new building or structure, within Historic District shall be generally of such form, proportion, mass, configuration, building material, texture and location on a lot as will be compatible with other buildings in the Historic Area, and particularly with buildings designated as historic and with squares and places to which it is visually related.
- f) Existing Non-Rated. The moving, alteration, reconstruction, affecting the external appearance of any existing non-rated building, structure, or appurtenance shall be allowed consistent with the existing design of such non-rated structure. Building standards for non-rated buildings shall be the same as those required by the Southern Standard Building Code.
- g) Visual Compatibility Factors. Within Historic District, new construction and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered or repaired shall be visually compatible with buildings, squares, and places to which they are visually related.

- h) Non-Rated Buildings. All applicable standards as provided in the Zoning Ordinance shall apply as the Development Standards of the Historic District.

7. Penalties

Any person failing to comply with any of the sections of this ordinance shall be subject to penalties as provided in the City of Apalachicola Code of Ordinances. In addition, a stop work order shall be issued by the Building Inspector in any case where work has commenced or preparation for work has commenced which requires a certificate of appropriateness and where no such certificate has been obtained. The stop work order shall be issued to the property owner, the occupant, or any person, company or corporation commencing work or preparation for work in violation of this ordinance. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained or it has been determined by the Board that no certificate of appropriateness is required.

8. Appeals For Review

Any person aggrieved by a decision of the Board may, within (15) fifteen days thereafter, appeal to the City Commission for a final administrative decision.