

City of Apalachicola, Florida

Ordinance Number 2018-xx

Whereas, the protection, preservation, restoration, and enhancement of historic structures 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 Preservation Element within the 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 places 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 Florida 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 money spent by tourists visiting historic sites; and 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 the mid 1830’s , 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. Such

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 Land Use 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 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.

### A. 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 shall be established on Map A of the Historic Preservation Element of the Comprehensive Plan as the Historic Preservation District. Any change in the boundaries of the Historic District shall be adopted pursuant to the general provisions and procedures governing changes to the Comprehensive Land Use Plan.

#### 2. Relationship to Zoning Districts

- a. The Historic District 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 Historic District regulations to regulate lot coverage, height, setback, or density as those elements are specified in Chapter IV.
- b. The City may utilize the state of Florida Historic Master Site file for official addresses of historic structures to determine the front of the lot and to determine the status of the structure as either Contributing or noncontributing.

### 3. Protection and Enhancement of the Historic Plat

(a) Development that would alter the historic plat shall not be permitted.

(b) In any proceeding to consider the closing or abandonment of any street, alley or square the City shall follow the process specified in Section 336.10, Florida Statutes.

(i) New “large scale development” (more than 8,500 square feet) shall not be approved on a city square or on any lot abutting a city square. Any alteration to an existing structure or new construction on any lot abutting a city square must be visually compatible with the existing structures, squares, streetscapes and places to which it would visually relate.

### 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 historic structure;
- 2) Moving a historic structure;
- 3) 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) Material change in an existing wall or fence, or construction of a new wall or fence

b) Application for Certificate of Appropriateness. 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 Board to evaluate the application for consistency with the comprehensive plan and land development code. An electronic

version shall accompany the paper application. A complete application must be filed no later than 45 days for Commercial and multi-family development and 30 days for single family development 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.

e) Action on Application for Certificate of Appropriateness. The Building Department shall transmit the application for a certificate of appropriateness, together with the supporting information and material to the 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) Preservation of Contributing Buildings identified in the Master Site File within the Historic District.

A building or structure, classified as Contributing or any appurtenance related thereto 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 thereto; and shall be visually compatible with buildings, structures, squares, streetscapes, and places .

b) Protective Maintenance of Contributing Buildings.

Historic buildings shall be maintained to meet requirements of the applicable Building Code.

c) New Construction

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 buildings in the Historic Area, and particularly with buildings designated as historic and with squares, streetscapes, and places to which it is visually related.

d) Existing Non- contributing Structures.

The alteration or reconstruction, affecting the external appearance of any existing non-contributing structure shall be allowed consistent with the existing design of the structure.

e) Demolition of Historic Buildings. .

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 code.

Relocation of Historic Buildings. A historic 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 (1) the structure can be moved without damage to its structural integrity and without loss of its historic physical characteristics and (2) the structure will be visually compatible with the proposed site and surrounding properties, including other Contributing Structures.

**a. Exterior Finishes**

**1. Exterior wood siding**

a. Wood lapped siding, novelty siding, and board and batten siding and shingles are permitted, with appropriate dimensions and trim boards that are visually compatible with buildings, structures, squares, streetscapes, and places .

b. Non-wood lap siding, board and batten, and shingles, such as fiber cement board ( Hardy and similar products with smooth, not false wood grain) is permitted, with dimensions of trim boards as determined by contributing structures in the vicinity of the subject structure.

c. Replacement siding on a contributing structure must approximate the original siding in style, dimension, trim boards. Wood or fiber cement materials are permitted for replacement siding.

d. Exterior siding shall be painted.

**2. Exterior masonry**

a. Masonry materials, such as brick, stone, stucco and concrete masonry units are permitted.

b. For Contributing structures, repairs or replacements must be similar in material, dimension, color and texture as the historic material. Masonry repointing must be compatible with respect to the historic material, color and texture.

c. For alterations of non-contributing structures or new construction, masonry materials, dimensions, color and texture must be similar to contributing buildings in the immediate vicinity and within the historic district. Masonry joints must be similar to contributing buildings in the immediate vicinity and in the historic district.

**b. Windows and 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 contributing structures 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, muntins, sashes, surrounds and other features that are similar and compatible with the historic materials and dimensions. The addition of new window or door openings in a contributing structure is permitted on street-facing building elevations, if the new window or door contributes to the historic style of the structure, including window or door style, scale, location and proportion.
3. Alterations of non-contributing structures or new construction, windows and doors shall be visually compatible with buildings, structures, squares, streetscapes, and places to which it is visually related. Sliding glass doors facing public street(s) right of way are prohibited.
4. Historic shutters on contributing buildings must be retained and repaired or replaced with similar and compatible shutters with respect to style, dimension, and method of attachment.
5. Removable hurricane shutters, with tracks matching the primary structure, are permitted on contributing structures, non-contributing structures 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 must be compatible with the building type and style of the structure, whether contributing, non-contributing, or new construction. Illuminated awnings and colored or clear awnings of acrylic materials are prohibited.

### **c. Roof Materials and Alterations**

1. Roof materials for contributing, non-contributing 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. Roofs on contributing buildings must maintain the historic roof form and pitch. Other roof features, such as chimneys, widows walks and scuttles shall not be removed. New dormers are permitted if the dormer is compatible with the style, form and proportion, as determined by other similar structure in the historic district.
3. New roof-mounted solar collectors, scuttles and skylights in contributing, non-contributing and new construction shall be flat mounted on the roof and not visible from the adjacent street right of way.
4. Roof decks are prohibited, except for structures with flat or low-slope roofs.

### **d. 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 Contributing structures shall not be demolished and shall be restored or rehabilitated when renovated to be compatible with the original porch. If a porch has been previously demolished, a new porch is required when renovated and shall be compatible with the historic house type and style.
3. Porch enclosures are permitted with transparent screening to be minimally visible from the adjacent street. New full or partial enclosures are not allowed on Contributing buildings, but, may be allowed on non-contributing buildings and new construction if compatible with similar structures in the historic district.
4. Historic storefronts on Contributing buildings 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.

### **e. Exterior Decorative Details**

1. Exterior architectural details on contributing structures, including porches, entries, roof gable ends, fascia's and friezes, windows and doors, must be preserved or replaced in kind. It is not appropriate to substitute pre-manufactured details for the original details.

2. Pre-manufactured details are not permitted on non-conforming structures or new construction. Custom designed and built details, compatible with the principle structure's type and style are permitted and encouraged.

**f. Accessory Structures**

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, shall only be permitted in the front or side yard. Accessory structures shall not exceed the height of the principle structure and must be smaller than the principle structure

2. Temporary or pre-fabricated accessory structures are permitted only in the rear yard of a principal structure.

**g. 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 of Contributing structures, non-contributing structures and new construction. If located in a side yard adjacent to a street right-of-way, such devices shall be screened with landscape materials or unobtrusive fencing compatible with the principle structure.

2. Parking shall be located in the rear yards, side yards, or within the street right-of-way of contributing structures, non-contributing structures and new construction

3. Fences are permitted in accordance with the fence regulations of the city code.

4. Temporary ramps necessary to meet ADA building codes are permitted. Permanent ramps are not permitted except for buildings requiring public access in which case the ramp must be compatible in material, detail and scale with the subject structure.

5. Site excavations for foundations, utilities or for other purposes must restore all trees, landscaping and paved surfaces in the public right of way to the condition prior to excavation.

6. 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

**Contributing Structure** means a site, structure or object in a historic district which adds to the historical/architectural qualities, historic associations or archaeological values for which a historic district is significant because a) it was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time, b) it is capable of yielding important information about the period, or c) it independently meets the National Register of Historic Places criteria or is on the Florida Master File of Historic Places.

**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.

**Master Site file**-a listing of the contributing historic structures within the historic district that have been recorded with the National Register of Historic Places.

**Non-contributing Structure** means a site, structure or object in a historic district which does not reflect the historic, architectural, cultural, or aesthetic significance of the district, but must nonetheless be preserved in accordance with this chapter due to its protective nature for nearby contributing structures.

**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.

*Plat -historic: -a designated area containing city squares, streets, alleys, and delineated representation of the subdivision of land; attached as map A .*

**Restoration** means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.