

ORDINANCE NO. 13-04

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, ESTABLISHING A HISTORIC PRESERVATION PROGRAM; CREATING A HISTORIC PRESERVATION COMMITTEE; CREATING A LOCAL REGISTER OF HISTORIC PLACES; ESTABLISHING CRITERIA AND PROCEDURES FOR DESIGNATION OF HISTORIC SITES, STRUCTURES, AND DISTRICTS; REGULATING CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION OF HISTORIC SITES AND STRUCTURES; IMPLEMENTING INTERIM CONTROL MEASURES; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, within Wakulla County (the "County") there are sites and structures which are reminders of past eras, events and persons important in local, state and national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the community as a whole, or which provide to present and future generations examples of the physical surroundings of past generations; and

**WHEREAS**, the recognition, protection, enhancement of such invaluable resources serves a public purpose and is essential to the health, safety, moral, economic, educational, cultural and general welfare of the public; and

**WHEREAS**, preservation efforts in other areas of the State have resulted in the enhancement of property values, the stabilization of neighborhoods, the increase of economic benefits to the citizens, the promotion of local interest, the enrichment of human life in its educational and cultural dimensions, and the fostering of civic pride in the beauty and noble accomplishments of the past; and

**WHEREAS**, the Board of County Commissioners finds that it is in the best interest of the county and its citizens to establish a historic preservation program.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of Wakulla County, Florida, that:

**SECTION 1. RECITALS.** The above recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2. PURPOSE AND INTENT.**

(A) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of Improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, morals, economic, educational, aesthetic, cultural and general welfare of the public.

(B) The purpose of this Ordinance is to:

(1) Effect and accomplish the protection, enhancement, and preservation of such Improvements, sites and districts and sites which represent or reflect elements of the County's cultural, social, economic, political and architectural history;

(2) Safeguard the County's historic, prehistoric and cultural heritage, as embodied and reflected in such Historic Structures, sites and districts;

(3) Stabilize and improve property values, and enhance the visual and aesthetic character of the County; and

(4) Protect and enhance the County's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

**SECTION 3. DEFINITIONS.** Any definition set forth in 36 C.F.R. Part 60 shall be included in the definition for such term and shall control to the extent there is a conflict of meaning, or as an additional definition, if such term is not otherwise defined:

**"Certificate of Appropriateness"** means the certificate issued by the Historic Preservation Committee approving alteration, rehabilitation, construction, reconstruction or demolition of a Historic Structure, Historic Site or any Improvement in a Historic District.

**"Committee"** means the Historic Preservation Committee created under this Ordinance.

**"Historic District"** is an area designated by the Board of County Commissioners upon recommendation of the Committee, which contains two or more historic Improvements or sites.

**"Historic Site"** means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a Historic Site under this section, or an Improvement parcel, or part thereof, on which is situated a Historic Structure and any abutting Improvement parcel, or part thereof, used as and constituting part of the premises on which the Historic Structure is situated.

**"Historic Structure"** means any Improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the county, state or nation and which has been designated as a Historic Structure pursuant to the provisions of this Ordinance.

**“Improvement”** means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part, of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

#### **SECTION 4. HISTORIC PRESERVATION COMMITTEE.**

(A) **Creation.** There is hereby created a historic preservation Committee. The Committee is hereby vested with the power, authority and jurisdiction to review and make recommendations to the Board of County Commissioners on matters related to the designation, regulation and administration of historical, cultural and architectural resources in the county, as prescribed by this Ordinance, under the direct jurisdiction and control of the Board of County Commissioners.

(B) **Composition and Term.** The Committee shall consist of seven (7) members appointed by the Board of County Commissioners for staggered terms of four (4) years. Each Committee member shall serve only so long as he/she is a resident of the county. Appointments shall be made on the basis of a potential member’s civic pride, involvement in community issues, integrity, experience and interest in the field of historic preservation. To the extent available in the community, the Board shall appoint professional members from the disciplines of architecture, history, architectural history, planning, prehistoric and history archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture or related disciplines. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of the Committee.

(C) **Vacancies.** Vacancies, including expired terms, shall be filled within sixty (60) calendar days by the Board of County Commissioners. An extension of up to an additional sixty (60) calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the Board for such extension.

(D) **Meetings.** Committee meetings shall be publicly noticed, open to the public and held as often as necessary, but no less than four (4) meetings shall be held each year and minutes of each meeting shall be kept. The Committee shall adopt Rules of Procedures for use in all transactions involving the public.

(E) **Duties.** The Committee shall review and recommend designation of Historic Structures, Historic Sites and Historic Districts within the county limits. Such recommendations shall be made based on the criteria set forth in this Ordinance. Once designated by the Board of County Commissioners, such Historic Structures, sites and districts shall be subject to all the provisions of this Ordinance.

**SECTION 5. LOCAL REGISTER OF HISTORIC PLACES.** A local register of historic places is hereby created as a means of identifying and classifying various sites, buildings, structures or districts as historic and/or architecturally significant. The local register shall be compatible with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master

Site File number. The local register shall be made available to the public through the County's website.

#### **SECTION 6. HISTORIC SITE, STRUCTURE AND DISTRICT DESIGNATION CRITERIA.**

(A) For purposes of this Ordinance, a Historic Structure, Historic Site, or Historic District designation may be placed on any site, natural or improved, including any building, Improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the county such as Historic Structures, Historic Sites, or Historic Districts which:

(1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

(2) Are identified with historic personages or with important events in national, state or local history; or

(3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(B) The Committee shall recommend, for approval by the Board of County Commissioners, specific operating guidelines for Historic Structure, Historic Site and Historic District designation providing such are in conformance with the provisions of this Ordinance.

#### **SECTION 7. HISTORIC SITE, STRUCTURE AND DISTRICT DESIGNATION PROCEDURES.**

(A) **Eligible Applicants.** Applications for historic designation may be initiated by only the following:

(1) Property owner(s) of the affected property.

(2) The Historic Preservation Committee and the Board of County Commissioners, but only upon consent of the property owner.

- (3) A majority of property owners within a proposed Historic District under consideration for designation, but only for those properties where the property owners have consented.

(B) **Committee Agenda.** Following staff determination that an application for designation is complete; the application shall be scheduled for a public hearing by the Committee.

(C) **Designation of Historic Structures and Historic Sites.**

(1) **Review and Adoption Procedure.**

(a) **Historic Preservation Committee.** The Committee may, after notice and public hearing, recommend certain properties be designated as Historic Structures or Historic Sites. At least ten (10) days prior to such hearing, the Committee shall notify the owners of record, as listed in the office of the Property Appraiser, who are owners of property in whole or in part within two hundred (200) feet of the boundaries of the property affected. Following the public hearing, the Committee shall vote to recommend approval or denial of the proposed designation by the Board of County Commissioners.

(b) **Board of County Commissioners.** Within forty five (45) days of receiving the Committee's recommendation, the Board of County Commissioners shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either approve or deny the designation of the Historic Structure or Historic Site.

(2) **Appeal.** Any person aggrieved by a decision rendered by the Board of County Commissioners may appeal the decision to Circuit Court within thirty (30) days from the date a written decision by the Board of County Commissioners is rendered.

(D) **Creation of Historic District.**

(1) **Historic Preservation Plan.** Along with a complete application supported by a majority of property owners within a proposed Historic District, the property owners shall prepare a historic preservation plan for the proposed District. Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, a statement of preservation objectives and an exemption for those property owners within the proposed Historic District that are opposed to such designation.

(2) **Review and Adoption Procedure.**

(a) **Historic Preservation Committee.** The Committee may, after notice and public hearing, recommend select geographically defined areas within the county be designated as Historic Districts. At least ten (10) days prior to such hearing, the Committee shall notify the owners of record, as listed in the office of the Property Appraiser, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Following the public hearing, the Committee shall vote to recommend approval or denial of the proposed designation by the Board of County Commissioners.

(b) **Board of County Commissioners.** Within forty five (45) days of receiving the Committee's recommendation, the Board of County Commissioners shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that District and direct the implementation of said plan.

(3) **Appeal.** Any person aggrieved by a decision rendered by the Board of County Commissioners may appeal the decision to Circuit Court within thirty (30) days from the date a written decision by the Board of County Commissioners is rendered.

#### **SECTION 8. REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION OF HISTORIC SITES OR STRUCTURES.**

(A) No owner or person in charge of a Historic Structure, Historic Site or structure within a Historic District shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any Improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Committee. Additionally, unless such certificate has been granted by the Committee, the building inspector shall not issue a permit for any such work.

(B) Upon filing of any application for a Certificate of Appropriateness with the Committee, the Committee shall approve the application unless:

(1) In the case of a designated Historic Structure or Historic Site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the Improvement or site upon which said work is to be done;

(2) In the case of the construction of a new Improvement upon a Historic Site, or within a Historic District, the exterior of such Improvement would adversely affect or not harmonize with the external appearance of other neighboring Improvements on such site or within the district;

(3) In the case of any property located in a Historic District, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

(4) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the county and state; or

(5) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(C) If the Committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Committee shall make this decision within forty-five (45) days of the filing of the application.

(D) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the County. A building permit or other development permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

(E) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a Historic Structure or Historic Site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(F) Should the Committee fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Board of County Commissioners within thirty (30) days. In addition, if the Committee fails to issue a Certificate of Appropriateness, the Committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(G) At such time as a Historic Structure, site or district has been properly designated, the County, in cooperation with the property owner, may cause to be prepared and erected on such property at the county's expense, a suitable plaque declaring that such property is a Historic Structure, site or district.

**SECTION 9. INTERIM CONTROLS.** No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated Historic Structure, Historic Site, or any property or structure within a nominated Historic District from the date of the meeting of the Committee at which a nomination form is first presented until the

final disposition of the nomination by the Board of County Commissioners unless such alteration, removal or demolition is authorized by formal resolution of the Board of County Commissioners as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

**SECTION 10. PENALTIES FOR VIOLATION.** Any person or persons violating any provision of this ordinance shall be fined up to two hundred and fifty dollars (\$250) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector or code enforcement officer and processed through pursuant to Chapter 8 of the Wakulla County Code of Ordinances.

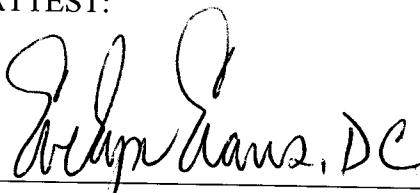
**SECTION 11. CODIFICATION IN THE CODE OF ORDINANCES.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**SECTION 12. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**SECTION 13. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

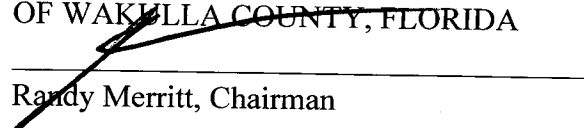
DONE AND ADOPTED in Wakulla County, Florida, by a vote of 5 to 0 this 22 day of January, 2013.

ATTEST:


  
Brent X. Thurmond, DC

<sup>†</sup>BRENT X. THURMOND, Ex Officio  
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

  
Randy Merritt, Chairman

APPROVED AS TO FORM:

  
Heather Encinosa, Esq.  
County Attorney