

# LOCAL GOVERNMENT PRESERVATION PROGRAM DIRECTORY

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June 29, 2007 (revised October 25, 2007)



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## Acknowledgements

The Directory reflects the efforts of several individuals from the Florida Public Archaeology Network. Special appreciation goes to Matt Armstrong, Kara Bridgman Sweeny, Richard W. Estabrook, Mary Furlong, Cassandra Rae Harper, Whitney Lytle, Sarah Miller, Amy Mitchell-Cook, Cheryl Phelps, Della Scott-Ireton, Nicole Tumbleson, and Christy Wood Pritchard who spent numerous hours designing and refining the questionnaire, identifying and contacting county and city representatives, and locating numerous ordinances from both city and county codes. Further recognition must go to all the cities and counties who responded patiently to our questions and who made this Directory possible.

This project has been financed in part with historic preservation grant assistance provided to the Florida Trust for Historic Preservation by the Bureau of Historic Preservation, Division of Historical Resources, Florida Department of State, assisted by the Florida Historical Commission. Becky Clarke, President of the Trust, and board member Ken Hardin were instrumental in providing direction and insight during every stage of this project.

We also thank the University of West Florida Office of Research and Sponsored Programs, and in particular Ms. Carol Rafalski, for their assistance in the administration of this grant. Finally, we thank Drs. Judy Bense and Elizabeth Benchley of the University of West Florida for their support and assistance during the course of this project.

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# Introduction

The Bureau of Historic Preservation, Division of Historical Resources, Florida Department of State, assisted by the Florida Historical Commission, awarded a grant to the Florida Trust for Historic Preservation (Florida Trust) to create a directory or database of local government preservation programs and ordinances. The development of this directory was requested to consolidate into a single document a listing of the various laws, regulations, and ordinances that involve historic properties around the state. This document was to also contain current contact data and other information that would be useful to historic preservation specialists and other interested citizens in Florida.

A Request for Proposals to develop the *Local Government Preservation Program Directory*, or *LGPPD*, was circulated in October of 2006. In January 2007, the Florida Trust awarded a contract to the University of West Florida, Florida Public Archaeology Network (FPAN) to produce the *LGPPD*. The Florida Trust requested that the *LGPPD* have as its central component an electronic database that can be made available online.

The Florida Trust envisions the *LGPPD* to be a tool used by state, regional, and local officials and planners, local historical and preservation societies and groups, preservation consultants, and the local citizenry to identify existing historic preservation ordinances, financial and tax incentive programs, grant and loan programs, and public education opportunities. This tool may also be used by Florida's Tribal Historic Preservation Officers (THPOs) as their offices begin to incorporate their own incentive and preservation plans. The *LGPPD* will serve the needs of DHR, the Florida Trust, and FPAN in carrying out their mutually complementary programs. There is no doubt that the *LGPPD* will be a valuable tool for those outside of Florida who are interested in how this state is handling its historic preservation challenges and opportunities.

Local preservation programs in Florida are developed through local ordinance, regulations, and policy. Supporting information for the development of the *LGPPD* is a survey of local Florida ordinances and policies to develop a database of what is currently in existence. Many counties and cities have their ordinance and regulation information available on the Internet, but there also are some that do not, or that do not make all of their regulatory information accessible on-line. Likewise, what does exist varies greatly by jurisdiction, with some counties and cities having very little in the way of preservation programs while others have extensive programs. Types of instruments in place range from passing references in Comprehensive Plans to more involved ordinances setting up formal preservation programs. Existing programs deal with a wide range of preservation topics, most often relating to buildings but also addressing cultural and historic landscapes, traditional cultural properties, and archaeological sites.

Feedback from respondents in Florida's cities and counties suggests the *LGPPD* will be useful in future historic preservation efforts. The database will facilitate communication and cooperation at both the city and county level as well as between counties. Rather than acting in isolation, city and county representatives will have a tool to implement and

enhance existing and future preservation programs. The *LGPPD* lays the foundation for raising awareness of historic preservation in the state of Florida and will be a valuable tool for anyone interested in preserving Florida's past.

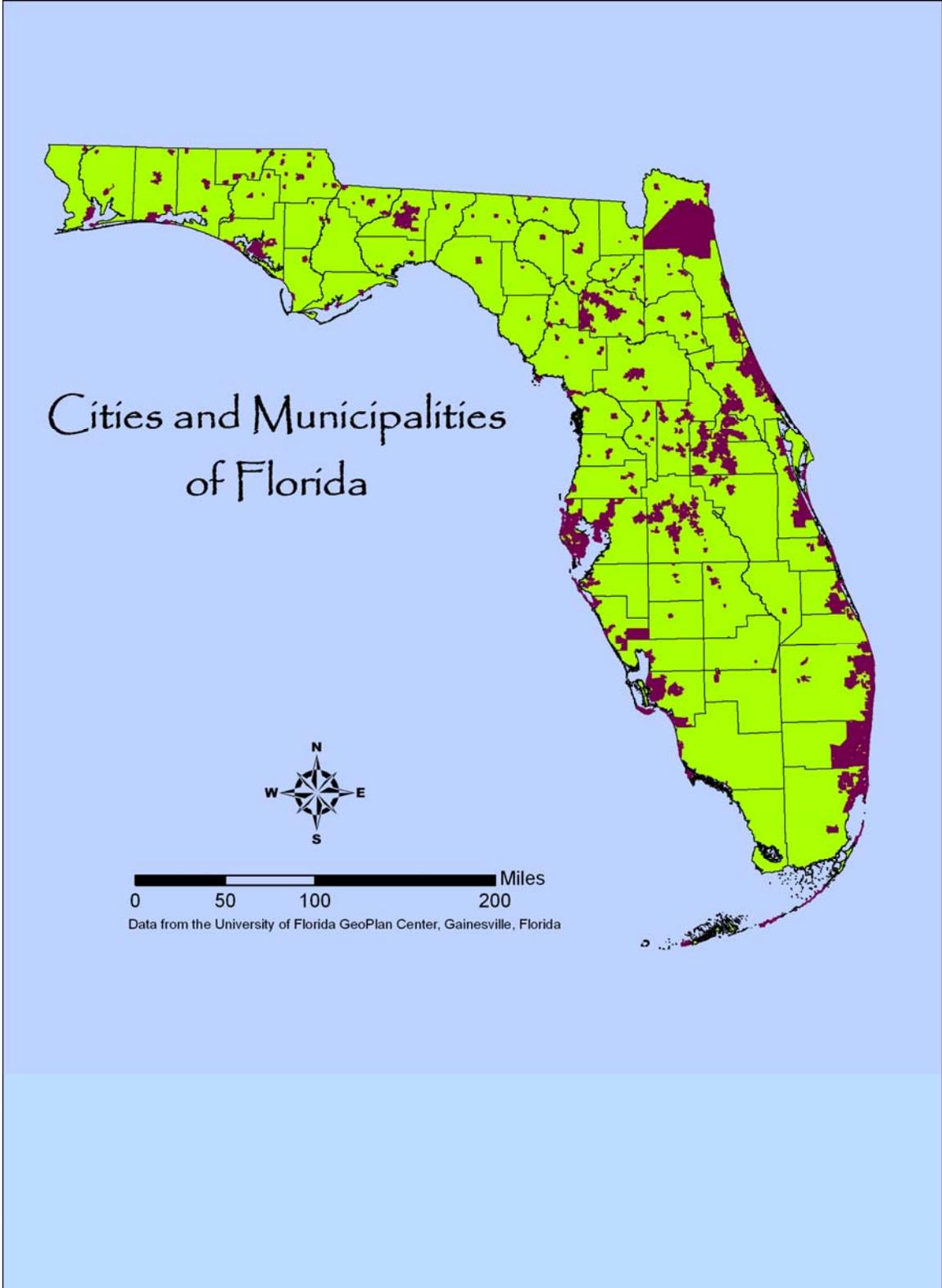


Figure 1. Cities and Municipalities of Florida.

## Project History and Intent

In 2006, the Florida Trust received a grant from the Florida Division of Historical Resources to develop a directory or database of local historic preservation programs around Florida. The Florida Trust circulated a Request for Proposal seeking a partner to undertake the work and to prepare the directory. The scope of work for this project included the following elements:

- Produce a *Local Government Preservation Program Directory* that will serve the resource needs of government officials and the preservation community in Florida by providing a means to search for appropriate models for new programs; assess the relative effectiveness of existing preservation programs; and identify areas where improvement in local preservation programs or of coverage by local preservation programs is needed.
- Compile information on Florida's local government preservation programs including ordinances, financial incentive programs for historic preservation, ad-valorem tax exemption programs, grant programs, loan programs, public education programs, and any other programs or incentives being offered. The project would include a review and summary of each local government's historic preservation program. Information gathered will be compiled into a database that could be edited and updated as needed.
- Gather information from municipalities and governmental agencies across the state and compile the resulting data into an electronic database.
- Progress and Expenditure Reports will be submitted on a quarterly basis.
- A draft of deliverables will be submitted to the Florida Trust and Division no later than April 30, 2007.
- Two copies of the final printed deliverables will be submitted to the Florida Trust and Division at the end of the grant period, June 30, 2007, as a final product. A digital copy of the final product shall be delivered to the Florida Trust and Division for updating and distribution.

In January 2007 the Coordinating Center for FPAN at the University of West Florida was selected to perform this project based on a proposal submitted to the Florida Trust.

FPAN's proposal called for a set of general parameters for the *Local Government Preservation Program Directory (LGPPD)* tool. FPAN envisioned the *LGPPD* as a Web-based interactive mapping application that various end-users from around the state, from individual homeowners to heritage management professionals, would be able to access and identify the core information they need. As proposed, the *LGPPD* was to incorporate the following features:

- Allow for interactive data queries from a variety of end-users.
- Employ both a map-based and text-based user interface. End-users should be able to pick selections from a map or series of maps as well as simply type in (or select from a pull-down menu) the name of a county or city.
- Allow for updates and corrections to be made to a single data file or database.
- Allow users to download the results of queries and map searches as files that can be printed and saved.
- Allow for top-down and bottom-up data queries. The tool should be able to start from the state or county level and from the street address level.
- Use the ordinances and regulations currently available on the MCC's Municode Website (<http://www.municode.com>).
- Allow for periodic updates when city and municipal boundaries change.

During contract negotiations for the proposal it was determined that the scope of the *LGPPD* tool, as initially proposed, was beyond the time and budget constraints available, so the scope of work for this project was scaled back to focus on the collection of the primary survey data and the development of a Geographic Information System (GIS) ready database, but not the development of the actual interactive ArcIMS-based system described above.

A final contract between the Florida Trust and UWF was signed on January 26, 2007. At that time planning for the execution of this project was begun by key project personnel including Principal Investigator Dr. William Lees of the FPAN Coordinating Center, Northwest Region Director Dr. Della Scott-Ireton, and West Central Region Director Richard Estabrook. Existing FPAN staff were detailed to begin work on this project and the process of hiring additional staff dedicated to this project also was begun at that time. Work in earnest on this project began during the last week of January simultaneous with the execution of the contract.

## Methods

Development of the *LGPPD* required several steps. The first was the creation of an interview process and initial historic preservation inquiry vehicle to gather information on local preservation programs from local preservation contacts. The telephone interview was selected in the interest of time and available resources. The interview questions were structured in such a way that a telephone interview could be conducted and recorded in a reasonably short period of time. The questions also were made available as a Word document that could be emailed to the prospective interviewee, completed, and emailed back. Although we initially envisioned that the email option would be popular in this digital age, few of the interviewees opted for this form of response and most of the interviews were done by telephone with the interviewer recording the responses on a paper copy of the interview questions.

The second step involved querying various on-line sources to find and evaluate historic preservation ordinances. Some cities and counties have their information available on their Websites or make copies of their Comprehensive Plans and other documents available to the public via the Internet. Many counties use the services available through Municipal Code Corporation's *municode.com* Website. A subscription to this service's on-line search engine was purchased by FPAN and proved invaluable in obtaining copies of many of the ordinance and regulations in a consistent and timely fashion to meet the condensed timeframe of the grant contract.

Several formats were evaluated to create the electronic version of the database. An Excel spreadsheet format ultimately was chosen for initial data entry because of its ease of use and familiar user interface. Key fields were added to allow these data to be incorporated into an Access-compatible database file which, in turn, could be joined to GIS shapefiles. Once constructed, the *LGPPD* tool was conceived to be maintained and updated as an Access database.

Each of these steps is further described below.

### The Interview

A vitally important aspect of this project was to develop and address questions of interest to historic preservation stakeholders in Florida. This required an ambitious campaign of person-to-person contacts to identify preservation programs, gauge effectiveness, and understand the degree of local commitment and understanding. Through the month of February, staff at each center coordinated efforts to create a comprehensive, yet simple, questionnaire to use when calling to ensure consistency across the Regional Centers. Callers asked contacts a list of standard questions (Attachment 1) that were developed based on the objectives of the RFP, discussions during the pre-bid conference, and discussions with Florida Trust President Becky Clark and board member Ken Hardin.

Before the interview process was initiated, a master list of contacts was created to prevent overlap or repeat phone calls. Each staff member selected a county and began to call

contacts within that area. The time for each call varied according to the respondent's interest and knowledge of historic preservation within their jurisdiction. In addition, on numerous occasions further contacts had to be made in order to locate the most knowledgeable informant. Several individuals were in meetings, out of town, on vacation, or were unavailable, forcing staff members to call several times to reach an individual. At least three calls were made in an attempt to reach local preservation contacts.

The survey questionnaire was developed to fulfill two project goals: 1) to inquire about the current status of local historic preservation regulations, ordinances, and policy in Florida; and 2) to assess the needs of local historic preservation planners, professionals, and staff around the state in order to better assess how they might be assisted in their jobs. As originally conceived, a needs assessment would have been performed as the first part of the data collection process, and the telephone interviews would have been conducted once the parameters of local historic preservation issues had been established. The needs assessment would have focused on Florida's Certified Local Governments (CLGs) to assess their preservation concerns and needs. The interviews were more exploratory in nature, and were intended to contact all counties and municipalities that have historic preservation programs, regulations, ordinances, or policies. However, time constraints did not allow for two sequential investigations, so the needs assessment topics and the data collection efforts were combined into one activity with the intent that the needs assessment issues could later be extracted from the body of data recovered during the survey and evaluated separately.

Work on the directory initially focused on gathering information on local government ordinances and policies from every jurisdiction in the state through telephone calls to local preservation contacts listed on the DHR CLG List (12/06) available on their Webpage (<http://www.flheritage.com/preservation/compliance/local/>) or as listed in the Florida Department of Community Affairs *2006 Florida Directory of Planning Officials*. To facilitate these telephone interviews, the questionnaire described above was developed and refined by FPAN staff before calls were begun.

Work on this aspect was shared between the four currently existing FPAN regional offices with staff from each of these regions making calls to complete the questionnaire. The Northeast Region Center in St. Augustine covered seven counties within their jurisdiction, and the Northwest Region Center in Pensacola contacted representatives in the remaining counties in the northern and northwestern part of the state. The Southwest Center in Pineland covered five counties within their jurisdiction, and the West Central Center Tampa contacted representatives in the remaining counties of the southern portion of the state. Dr. Della Scott-Ireton and Dr. Amy Mitchell-Cook managed this research from the Northwest Region Center, Sarah Miller oversaw efforts out of the Northeast Region Center, Kara Bridgman Sweeney conducted the research in the Southwest Region, and Richard Estabrook coordinated efforts out of the West Central Region Center.

The phone calls provided significant quantitative information which is presented as Yes/No/Don't Know or numeric fields in the database. Of great importance, however, is the amount of anecdotal and qualitative information and inference that resulted from the multitude of conversations conducted with local officials. This insight into the nature, status, and effectiveness of Florida's local government preservation programs is presented in the narrative report on this project.

## **Collection of Ordinances**

In addition to the questionnaire, copies of all regulations and ordinances identified were collected. The collection of ordinances began with an on-line search of jurisdictions using the municode.com Website; for those jurisdictions not using this service, FPAN staff requested paper or electronic copies from the interviewees. All electronic copies were converted to standard Adobe PDF format. Paper and fax copies were scanned and saved in PDF format.

Municipal Code Corporation (MCC) hosts over 700 ordinance, land use, and building codes for a variety of local governments including 46 of the 67 Florida county governments and over 240 local government agencies. These ordinances, land use, and building codes were accessed via the Internet. The ability and cost to dynamically link to the MCC search engine was investigated, but repeated attempts to contact the MCC were never returned. Source information will be made available for periodic updates for these files.

## **The Database**

The initial data collection datafile was constructed as an Excel spreadsheet format and was developed to hold information from the on-line ordinance research and from the telephone interviews. Excel has a short user learning curve and is easily used by virtually anyone with basic computer skills. Once entered, these data can be used to develop applications in a variety of other formats, including ArcIMS, or Internet Mapping Server software available from ESRI. Ultimately, an ArcIMS-based *LGPPD* tool could be accessible via the Internet. Users could log onto a map/graphic-based Website that allows them to query the tool by selecting geographic areas on a map or by typing words, phrases, or even a street address into the Website and in return receive maps, copies of ordinances and regulations, applications for grants, tax incentives, and other financial incentive programs for historic preservation.

Before this "ultimate preservation Website" can be constructed, however, the base information must be identified and incorporated into an electronic database. This database must reflect the spatial extent of the underlying data. Ordinances and tax incentive programs are applicable only to the properties within specific geographic areas. Whereas ordinances may be applicable to the residences of a large area, tax incentives may apply only to buildings within a more closely defined area, such as a historic district. The electronic database must spatially differentiate between all the buildings in a

county that fall under a specific set of regulations from those specific structures to which an incentive loan program might apply.

The creation of the electronic database is a first important step in the creation of the ultimate *LGPPD* tool. Without data, the ultimate Website is an empty concept. Without an ultimate goal, the *LGPPD* tool becomes the equivalent of an electronic file cabinet full of useful information, but with no way to search or locate specific items when needed. In addition, the information must be maintained and kept current to possess optimum value.

Out-of-date preservation ordinances or inaccurate city boundaries will frustrate end users and ultimately limit the usefulness of the *LGPPD* tool. The tool and its underlying database were constructed with the ability to alter the information in the database as situations change.

The *LGPPD* tool employs six Florida Geographic Data Library (FGDL) shapefiles. The number of files intentionally was kept small in order to allow for later use as a Web-based search tool. An overall state-wide shapefile was selected to provide a basic geographic frame of reference. A file containing the outlines of all 67 counties was selected. This file also will provide spatial reference for ordinances and regulations that apply to an entire county. Spatial reference and orientation within the various counties is provided by shapefiles depicting major roadways, major rivers (as lines), and railroads. Two shapefiles were selected for spatial reference for ordinances and regulations within counties. These include a file that accurately depicts the boundaries of various cities and municipalities and a file developed from the Florida Division of Historical Resources' Florida Master Site File for Resource Groups. The common names and file names for these various files are provided below.

<b><u>Common Name</u></b>	<b><u>FGDL Name</u></b>
County Boundaries	cntbnd.shp
Major Roads	majrds_oct06.shp
Major Rivers	mjrivr.shp
Railroads	rails_2006
City/Municipality Limits	par_citylm_2006
Resource Groups	shop_res_groups_oct06.shp

Files from the FGDL were selected for several reasons. FGDL files use the same project and reference datum (Albers and HARN, respectively). These data were pre-processed by staff at the University of Florida GeoPlan Center to ensure the accuracy and reliability of these data sets. These data also are updated periodically to ensure the sets are complete and any new data have been incorporated. This is not as critical with layers like counties or rivers, as these features do not frequently change. Update concerns were focused on the limits of cities and municipalities, as these boundaries change regularly with annexation and development, and with the Resource Groups. Resource Groups include historical districts, archaeological districts, or building complexes. Individual resources contributing to the resource group are usually (but are not always) separately listed in the Florida Master Site File.

## **Attributes and Dataset Descriptions**

Column headings were selected based on the heading topic on the questionnaire. CI headings are the questions asked under Contact Information. The questions that form Part I: Questions Regarding Preservation Programs begin with “P1;” those from Part II begin with “P2.” The question number (“Q#”) appears next. A short text description then follows that suggests the topic of the question.

An example is shown below:

<b>P2Q1_ord</b>	=	P2	Q1	ord
<b>means</b>		Part II	Question 1	Ordinance

### **Contact Information**

#### **A: County\_Name**

This is a general format variable that contains the names of the counties and the cities/municipalities within those counties. It is used as a general reference point for the data collection.

#### **B: County**

This is a general format variable that contains the name of the county in which the city or municipality is located. It should not repeat the name of the county if that name is provided in Column A.

#### **C: PAR\_AT**

This is a link to the AUTOID attribute within the *par\_citylm\_2006* (city limits 2006) GIS shapefiles downloaded from the Florida Geographic Data Library (FDGL).

#### **D: FD\_CD**

This is a link to the FDGL\_CODE attribute in the *cntbnd* (county boundary) GIS shapefiles downloaded from the FGDL.

#### **E: FIP\_C**

This is a link to the FIPS (FIPS Code) attribute in the *cntbnd* (county boundary) GIS shapefiles downloaded from the FGDL.

#### **F: TA\_CD**

This is a link to the TAXAUTHCD (tax authorization code) attribute in the *par\_citylm\_2006* (city limits 2006) GIS shapefiles downloaded from the FDGL.

**G: MN\_CD**

This is a Yes/No variable created to track the use of Municode by the county, city, or municipality. It simply notes whether they use Municode to distribute information concerning ordinance and regulations. It does not indicate the existence of historic preservation ordinances, rules, or regulations. (see MC\_HR below)

**H: MC\_HR**

This is a Yes/No variable created to note the existence of ANY sort of historic preservation ordinance, rule, or regulation within the Municode on-line database. This can include anything from a single statement or paragraph to an entire historic preservation ordinance.

**I: CLG**

This is a Yes/No variable that identifies the city, county, or municipality as a Certified Local Government (CLG) on the list of CLGs distributed by the Florida Division of Historical Resources dated January 2006.

**J: CI\_name**

This variable is the name of the person who completed the questionnaire. It doesn't necessarily need to be the person who is charge of, or who runs the historic preservation program, just the name of the person from whom the information about the program was obtained.

**K: CI\_date**

This variable indicates the primary date the interview took place. If there is more than one date/interview, the date when most of the information was obtained is used and the other dates are noted in the CL\_comments field.

**L: CI\_title**

This variable records the title of the person who completed the questionnaire.

**M: CI\_phone**

This variable records the telephone number of the primary contact person listed in CI\_name.

**N: CI\_citycounty**

This variable records the name of the city or county the person designated in CI-name represents.

**O: CI\_time**

This variable records the time at which the interview took place. If there was more than one time, these times are noted in the CL\_comments field.

**P: CI\_email**

This variable records the email contact of the person who responded to the questionnaire. This is not the email of the primary contact historic preservation person in the county or city. (see P1Q3\_email below)

**Q: In\_In**

This Yes/No variable indicates whether the call was initiated by the FPAN Interviewer.

**R: Ret\_CI**

This Yes/No variable indicates whether the primary interview call was a returned call from the person being interviewed.

**S: In-Comments**

This is an open field variable that allows the recorder to enter any comments about the contact person they feel are pertinent to the interview or to the responses made to the interviewer. It also may contain a note that several interviews were conducted with more than one individual within a city or county.

**T: Int\_Int**

This variable records the initials of the interviewer. They include:

Whitney Lytle	=	WL
Nicole Tumbleson	=	MNT
Mary Furlong	=	MF or MKF
Christy Prichard	=	CP
Kara Sweeney	=	KBS
Amy Mitchell Cook	=	AMC
Some unknown	=	MA

## **Part I. Questions Regarding Preservation Programs**

### **U: P1\_Q1**

A Yes/No response to the question: Does your city/county have a historic preservation or heritage management program? The intent of this question was to directly inquire about the presence or absence of a county/city historic preservation program.

### **V: P1\_Q2**

This variable records the name or title of any historic preservation program that might exist. This variable also notes if there is a historic preservation board, committee, or commission in place.

### **W: P1Q3\_name**

This variable records the name of the county/city contact person for historic preservation or heritage management. This may be different than the name of the person responding to the survey questions.

### **X: P1Q3\_address**

This variable records the mailing address of the main historic preservation/heritage management contact person listed in P1Q3\_name. This also is the address where a copy of directory should be sent if requested.

### **Y: P1Q3\_phone**

This variable records the telephone number of the main historic preservation/heritage management contact person listed in P1Q3\_name.

### **Z: P1Q3\_email**

This variable records the email address for the main historic preservation/heritage management contact person listed in P1Q3\_name.

### **AA: P1Q4\_add\_personnel**

This variable records if multiple city personnel are involved in the historic preservation program or if the program consists of all volunteers.

### **AB: P1\_Q5\_department**

This variable records the department within the city or county that administers historic preservation/heritage management concerns.

**AC: P1\_Q6\_CompPlan**

This Yes/No/Don't Know variable records the response to the question: Is there a historic preservation element in your Comprehensive Plan? This usually has an accompanying note if historic preservation is included in other Plan elements and not a dedicated element.

**AD: P1Q7\_FMSF**

This Yes/No/Don't Know question records whether the county or city uses site information collected and distributed by the Florida Master Site File at the Division of Historical Resources.

**AE: P1Q7\_other\_records**

This question records whether the city or county keeps a separate set of records or files on the historic properties within their jurisdiction if they do not use the Florida Master Site File records.

**Part II. Questions Regarding Preservation Ordinances**

**AF: P2Q1\_ord**

This Yes/No variable records the response to the question: Does your county/city have a law, ordinance, or regulation regarding historic preservation, the protection of old/historic buildings, archaeological sites, or any other heritage sites in your area? It was designed to identify any level of protection for historic properties, from a single statement or goal to an integrated historic preservation program.

**AG: P2Q1\_getcopy**

This variable records the location of a copy of any historic preservation law, ordinance, or regulation.

**AH: P2Q2\_Municode**

This Yes/No variable records the use of the Municipal Code Corporation's municode.com Website to distribute ordinances and make them available to the public.

**AI: P2Q2\_MC\_upd**

This Yes/No variable records whether or not the laws and regulations on municode.com are updated regularly.

**AJ: P2Q3\_year**

This variable records the year in which the law, ordinance, or regulation was enacted.

**AK: P2Q4\_LI**

This Yes/No multipart question concerns various features contained within the historic preservation law or ordinance. The first question is an inquiry about the listing of properties on a local inventory or local landmark list.

**AL: P2Q4\_FMSF**

This Yes/No question asks whether the ordinance requires properties to be listed on the Florida Master Site File maintained by the Florida Division of Historical Resources.

**AM: P2Q4\_NRHP**

This Yes/No question asks whether the ordinance requires nomination of properties to the National Register of Historic Places (NRHP).

**AN: P2Q4\_RecTm**

This Yes/No question asks whether the ordinance allows for or requires reconnaissance level or thematic resource surveys.

**AO: P2Q4\_HABS**

This Yes/No question asks whether Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) levels of documentation are required for buildings or structures.

**AP: P2Q4\_HSin**

This Yes/No question asks whether archaeological or historic structure identification (assessment) surveys are required by the ordinance.

**AQ: P2Q4\_ARCe**

This Yes/No question asks whether archaeological investigation and/or excavations can be required by the ordinance.

**AR: P2Q4\_SUBr**

This Yes/No question asks whether the ordinance contains provisions for submerged historic properties located either off-shore or in local rivers, springs, and lakes.

**AS: P2Q4\_CoA**

This is a Yes/No multipart question concerning requirements for issuing a Certificate of Appropriateness. It also inquires about the level of documentation required before such a certificate is issued.

**AT: P2Q5\_num**

This portion of the question asks how many projects per year require documentation before a Certificate of Appropriateness is issued.

**AU: P2Q5\_staf\_r**

This Yes/No portion of the question asks whether staff review of the reports and/or certificates is required before they are issued by the City or County Commission.

**AV: P2Q6\_tax**

This Yes/No variable records the use of tax incentives or breaks for historic preservation.

**AW: P2Q6\_others**

This variable records the use of other kinds of incentives to encourage citizens to preserve and protect historic properties.

**AX: P2Q6\_grant**

This Yes/No variable records the use of local grants, loans, or other financial incentives available for the rehabilitation and/or preservation of historic properties.

**AY: P2Q7\_disaster**

This Yes/No question asks about how the city or county ordinance provides for response to disaster/emergency situations, such as fire, flood, or hurricanes.

**AZ: P2Q7\_How**

This free-form variable records how the ordinance allows for the preservation of historic properties during or immediately after emergency situations.

**BA: P2Q8\_pent**

This Yes/No variable records the response to the question: Are there penalties for non-compliance with the preservation ordinance? It allows the city or county to define “non-compliance” in whatever way they choose.

**BB: P2Q8\_Penalties**

This variable records penalties, if any, for non-compliance with the preservation ordinance.

**BC: P2Q9\_local\_dist**

This variable records the existence of local historic districts, areas, or local landmarks that are administered separately from the city/county preservation program.

**BD: P2Q9\_LD\_Contacts**

This variable records the contact information for any local historic districts, historic areas, or local landmarks that are administered separately from the city/county historic preservation program.

**BE: P2Q10\_Comments**

This is a free-form data field that contains any comments, thoughts, or suggestions concerning the information provided to the interviewer. It contains whatever comments the person being interviewed wanted to include in the database regarding their historic preservation laws and ordinances.

## Analysis

In March 2007, each of the FPAN Centers began to make phone calls to assigned county and city contacts. Initial contact information came from the *2006 Florida Directory of Planning Officials* and was updated as necessary. Each interviewer asked the contact person the same set of questions, as outlined by the questionnaire (Attachment 1). A final comment allowed the respondent to add any thoughts or concerns not addressed by the questionnaire. The responses were overwhelmingly positive and most individuals are interested in the prospect of improved ordinances and heritage preservation in the state of Florida.

1. **Historic Preservation Programs.** Approximately just less than half of the 48 counties that replied do not have a heritage preservation program in place. Of 284 cities questioned, less than a third (93) has heritage management programs. Most efforts come from the private sector and often are aimed at preserving a specific structure. County and city officials support these endeavors but rarely initiate such programs. Both counties and cities cite a lack of interest, funding, or personnel as obstacles for implementing heritage management programs.
2. **Comprehensive Plan.** Almost three-fourths of counties have some sort of historic preservation language in their comprehensive plan. Of 276 cities, 121 responded that their comprehensive plan contains historic preservation language, while 90 indicated their comprehensive plan lacks such language and another 65 responded that they did not know if such language exists. Most of the counties use the Master Site File; however, a little over half of cities use, or even know about, the Florida Master Site File records maintained by the Florida Division of Historical Resources. Some cities maintain their own records or look to the county to supply such information. Throughout the state of Florida some language exists for historic preservation but it often is vague and many individuals have little or no knowledge of this area of their Comprehensive Plan.
3. **Preservation Ordinances.** Just over one half of the counties that responded have some sort of historic preservation ordinance. Most counties throughout Florida have their ordinances available either through the *municode.com* Website or through their own Websites. Twenty-one of 46 counties responded they did not have any historic preservation ordinances. Most of those counties did not respond as to whether or not their ordinances were available online. Less than half of the cities indicate any historic preservation ordinance. Of 275 cities, 118 replied they have historic preservation ordinances. Eighty-seven cities indicate their ordinances are online, while forty-four state that their ordinances are not available through online resources. Interested individuals can obtain, for a fee, copies of the ordinances through their local City Hall or Chamber of Commerce. Several contacts were unable to recall when the ordinances were enacted or how often the ordinances are updated.

4. Incentives or penalties. Counties are split evenly between those with incentives or penalties and those without. The cities have a much lower percentage with only 41 out of 128 indicating some form of incentive for historic preservation. Most counties and cities throughout Florida have some level of historic preservation incentive, primarily in the form of an ad valorem tax break in a historic district. Few counties have any response plan for disaster or emergency and about half of those that responded, 18 out of 35 counties, have any type of penalty. Cities rate a bit higher with just over 50% of cities having some form of penalty but follow the trend for counties with only 21 out 129 cities with any form of disaster response. Penalties might come from a local Community Redevelopment Agency (CRA) or Architectural Review Board (ARB), but are rarely specific.

## **Ordinances**

Ordinances concerning historic preservation tend to fall into several general categories, described below.

### **Administration and Enforcement:**

Procedures for reviewing development plans to ensure compliance with historic preservation codes.

### **Coastal Resource Protection:**

Regulates development in coastal areas and define appropriate land use or development. Ordinances might limit development to activities with an insignificant adverse effect. Scenic, historic, wildlife, or scientific preserves often are cited acceptable activities.

### **Development Standards/ Land Development Regulation:**

Development is reviewed to determine if it complies with the code.

### **Environmentally Sensitive Lands:**

Regulates development in environmentally sensitive areas. Ordinances might limit development to activities with insignificant adverse effect. Scenic, historic, wildlife, or scientific preserves are cited as acceptable activities.

### **Future Land Use:**

Designation of future land use patterns to protect historic resources.

### **General Provisions:**

Regulations to limit development only in compliance with a Comprehensive Plan. They contain general articles regarding land use and applicability of the code.

### **Historic Advisory Board/ Historic Preservation Board:**

Defines process for review and appeals, and outlines composition and appropriate activities of Advisory or Preservation Boards.

**Housing Element:**

Provides guidance for public sector regulation and protection of historic buildings and sites.

**Overlay and Floating Zones:**

Determines if site is within an overlay district and recognizes any ordinances that preserve or conserve historic sites.

**Recreation and Open Space:**

Provides recreation and open space system for all residents. One classification is for pastoral open space to provide resource-based and user-oriented recreation. Historic sites are included in this classification.

**Resource Protection Standards:**

Determinations and restrictions for development of historically or archaeologically significant sites and structures.

**Taxation:**

Defines various tax exemptions for historic properties.

**County level:**

At the county level, preservation tends to focus on basic registration of historic buildings. Respondents indicate their ordinances contain information regarding Local Inventories, Master Site File, National Register of Historic Places, Historic Structure Identification, and Archaeological Investigations. Most counties lack provisions to perform reconnaissance or thematic resource studies, to conduct Historic American Building Survey/Historic American Engineering Record (HABS/HAER) documentation, or to consider submerged cultural resources.

**City level:**

Ordinances at the city level include a wide range of preservation initiatives that reflect local interests. Few cities contain historic preservation language and where it exists it is often vague. Cities reflect a similar trend to counties with emphasis on Local Inventories. Master Site File, National Register of Historic Places and Historic Structure Identification found in just under half of the cities; less than a third have ordinances for thematic surveys or archaeological investigations. Only eight cities, out of over 120, indicate HABS/HAER documentation or submerged cultural resources.

In addition to a state-wide examination of cities, preliminary analysis was conducted on a regional basis to examine possible regional trends between cities in northern Florida and those in southern Florida. The assumption is that southern Florida is more developed and therefore more cognizant of the pressure to preserve Florida's past. While most areas of review demonstrated little regional variation, some differences appear.

**Historic Preservation programs:**

The survey results suggest little regional variation between northern and southern Florida. Approximately 30% of cities throughout Florida have some form of historic preservation or heritage management program. Forty-two (37%) cities in northern Florida have such programs while 72 (63%) do not. Of southern cities, 51 (30%) cities have such programs, while 119 (70%) do not.

**Comprehensive Plan:**

Less than one half of cities throughout Florida have a historic preservation element in their Comprehensive Plan. Fifty-four (48%) cities in northern Florida have historic preservation language, 37 (33%) do not, and 21 (19%) do not know if such language exists. In the southern Florida, 67 (41%) cities have historic preservation language, 53 (32%) do not, and 44 (27%) do not know. The survey suggests that little regional variation exists between cities in northern and southern Florida.

An interesting trend to note is the high percentage of respondents who did not know if their Comprehensive Plan contained a historic preservation element. Approximately 20% of those surveyed in northern Florida did not know if such language exists and almost 30% in southern Florida responded in such a manner. In several instances, FPAN personnel located necessary information through online Websites or through municode.com.

**Incentives:**

Fewer cities in northern Florida offer historic preservation incentives than cities in southern Florida. Fourteen (20%) of cities in northern Florida offer incentives while 54 (76%) do not, and 3 (4%) do not know. Twenty-seven (47%) of cities in southern Florida offer incentives while 30 (53%) do not.

**Disaster response:**

Cities in southern Florida have, on average, greater disaster response than cities in northern Florida. Four (5%) cities in northern Florida have some sort of disaster response while 66 (92%) do not, and 2 (3%) do not know. Seventeen (30%) cities in southern Florida indicate some form of disaster response while 36 (63%) do not, and 4(7%) do not know. Five of those cities who responded affirmatively come from Miami-Dade County alone.

**Preservation Ordinances:**

Cities in northern Florida tend to have a higher percentage of preservation ordinances than cities in southern Florida. Sixty (56%) cities have historic preservation ordinances while 47 (44%) do not. In southern Florida, 58 (35%) cities have historic preservation ordinances while 110 (65%) do not. The difference between northern and southern Florida is slightly refined when cities in northern Florida are further broken down. Twenty-one of those cities, or just over

1/3 of the cities polled in northern Florida are located in Alachua, Lake, Volusia and Marion counties. Rather than a trend throughout northern Florida, these counties tend to skew the number to create a higher percentage.

Preservation ordinances were further delineated into several areas. Ordinances might provide for local inventories, NRHP nominations or archaeological investigations. Continuing with a north/south split, analysis revealed several trends concerning specific types of ordinances. An examination of specific ordinances revealed cities in southern Florida provide more historic preservation ordinances than cities in northern Florida. While northern cities have an overall higher percentage of preservation ordinances, their ordinances often contain only one area of historic preservation or contain areas that do not apply to the questionnaire.

**Local Inventories:**

Thirty (42%) cities in northern Florida responded that they do have ordinances to list properties in a local inventory while 41 (58%) do not.

Forty-two (74%) cities in southern Florida have local inventories while 15 (26%) do not.

**Master Site Files:**

Twenty-one (30%) of cities in northern Florida list properties on the Florida Master Site Files while 48(70%) do not.

Thirty (52%) cities in southern Florida list properties on the Master Site File while 28 (48%) do not.

**National Register of Historic Places:**

Twenty-three (33%) cities in northern Florida have ordinances to nominate properties to the National Register of Historic Places while 46 (67%) do not.

Thirty-six (64%) cities in southern Florida have ordinances to nominate properties to the NRHP while 20 (36%) do not.

**Reconnaissance or Thematic Resource Surveys:**

Nine (13%) cities in northern Florida have ordinances to conduct reconnaissance or thematic resource surveys while 60 (87%) do not.

Fifteen (26%) cities in southern Florida have such ordinances while 39 (67%) do not, and 4 (7%) do not know.

**HABS/HAER:**

One area that northern cities take the lead concerns ordinances to perform HABS/HAER documentation, although numbers are quite small and initial trends are only speculative.

Seven (10%) cities in northern Florida have requirements to perform such documentation while 62 (90%) do not.

One (2%) city in southern Florida has requirements while 53(93%) do not, and 3 (5%) do not know.

**Historic Structure or Archaeological Site Identification:**

Twenty-three (33%) cities in northern Florida require a historic structure or archaeological site survey while 46 (67%) do not.

Twenty-eight (49%) cities in southern Florida require such surveys while 26 (46%) do not, and 3 (5%) did not know.

**Archaeological Investigations or Excavations:**

Twelve (17%) cities in northern Florida require some level of archaeological investigation while 57(83%) do not. Eighteen (31%) cities in southern Florida require some level of archaeological investigation while 37(64%) do not, and 3 (5%) do not know.

**Submerged Cultural Resources:**

Four (6%) cities in northern Florida have provisions for submerged cultural resources while 61 (94%) do not.

Three (5%) cities in southern Florida have submerged cultural resources while 54 (95%) do not.

While cities in northern Florida took the lead in overall historic preservation ordinances, the numbers are not reflected in the specific ordinances. Cities in southern Florida, on average, rate higher than cities in northern Florida regarding the historic preservation ordinances examined in this study. The only area which cities in northern Florida rank higher than southern Florida is for HABS/HAER documentation, but numbers are too low to be overly significant.

## **State of Preservation Programs**

Preservation initiatives originate primarily from the private sector when interested individuals petition to have a property maintained, modified, or revitalized. Most contacts cited a lack of funding or personnel as a main obstacle to preservation efforts. The desire to perform surveys is present but counties and cities cannot afford to pay for them on their own. Recent tax reforms concerning expenditures will further reduce budgets and available money for preservation programs. Historic districts, historical societies, and other groups tend to be the driving force for preservation grants in Florida. Some CLGs rely on CRAs or historic districts to manage historic preservation and assume that such bodies are adequate. Several contacts referred our calls to historical societies as the main contact for questions concerning historic preservation. Again, this places the burden of preservation on private groups or individuals.

## Recommendations

Overall, contacts at both the city and county level responded favorably to the questionnaire. Many contacts expressed interest in reading the *LGPPD* and of learning our results. Communication between planners, clerks, and others involved in Historic Preservation programs and ordinances seems to be limited and many of the individuals have little knowledge of how to proceed in strengthening historic preservation in their area.

A primary recommendation is to improve education for city and county planners, managers, clerks, or others involved in historic preservation. Small workshops are a simple and inexpensive means to educate necessary personnel on the variety of ordinances, possible grants, and how they can promote and support historic preservation within their jurisdiction. In addition, the workshops would create a framework for isolated individuals to discuss issues or problems in their areas and perhaps to find a means to overcome localized obstacles. Many of the contacts want to see a model historic preservation ordinance and learn how they might utilize it in their area. In addition to the workshops, several models should be created to provide possible examples of successful ordinances. Several individuals expressed interest in a Website or chat room to facilitate discussions throughout the state of Florida.

For some individuals, basic education is necessary. Some of the contacts have only a vague understanding of historic preservation and responded that they do not need ordinances because they have no historical or archaeological resources in their area. Educational outreach to explain what qualifies as a cultural resource is a necessary first step for several cities and counties. Increased knowledge of the state's existing historic preservation programs and resources, such as the Master Site File, will assist cities and counties in understanding what historic sites exist and perhaps how better to define such areas within their jurisdictions. Of course, money is an issue and many contacts are unaware of possible state or federal grants available for preservation.

Greater communication between county and city governments will add another level of preservation. Some counties have additional resources, such as a full-time archaeologist or historic preservation officer on staff, that might be shared with municipalities. For example, the City of St. Augustine Beach might defer monitoring and consulting to the St. Johns County archaeologist. St. Johns County also can help review city projects and provide the city with archaeological expertise on how to preserve, protect, and manage heritage resources.

Overall, the state of historic preservation ordinances in Florida encompasses a broad spectrum. Some counties and cities have almost no programs in place with few, if any, ordinances on paper. These areas often cite a lack of interest in historic preservation and indicate that few historic sites exist within their jurisdiction, thus obviating the need for any form of regulation. Other areas strongly support historic preservation and emphasize the possibilities of heritage tourism as an important aspect of the economy of their area.

Many such counties and cities want to improve their Comprehensive Plans and promote programs that support preservation but are unsure how to proceed.

While many counties and cities want to revisit their Comprehensive Plan or other ordinances, many individuals have a misconception concerning historic preservation and assume preservation means only historic structures. Few recognize the importance, or even the presence, of archaeological resources and knowledge about submerged cultural resources is basically non-existent. Along those lines, some individuals are resistant to further regulation and assume historic preservation ordinances will create a financial burden or an obstacle to development. Additional education and outreach programs are necessary to clarify historic preservation goals and can underscore the historical importance, as well as the economic benefits, of preserving all aspects of Florida's heritage.

# **Attachment 1**

## **Questionnaire**

**Florida Trust for Historic Preservation/Florida Public Archaeology Network**  
Directory of Historic Preservation Programs

*Contact Information*

Name: \_\_\_\_\_ Date: \_\_\_\_\_ 2007

Title/Position: \_\_\_\_\_ Phone #: \_\_\_\_\_

City/County: \_\_\_\_\_ Time: \_\_\_\_\_

Email: \_\_\_\_\_

Call: \_\_\_ Initiated by Interviewer \_\_\_ Returned Call Comments: \_\_\_\_\_

Initial of Interviewer \_\_\_\_\_

*Part I. Question Regarding Preservation Programs*

1. Does your city/county have a historic preservation or heritage management program?

2. If so, does the program have a specific name or title?

3. If someone had questions about historic preservation in your county/city, who would they contact?

Name:

Address:

Phone:

Email:

4. Are there any other personnel in your program?

5. Which department administers the program?

6. Is there a historic preservation element in your Comprehensive Plan?

\_\_\_ Y \_\_\_ N \_\_\_ Don't know

7. Does your county/city use the information provided within the Florida Master Site File records maintained by the Florida Division of Historical Resources?

Y  N  Don't know

**If No:** does your county/city maintain its own records of historic buildings, archaeological sites, or local landmarks?

*Part II. Question Regarding Preservation Ordinances*

1. Does your county/city have a law, ordinance, or regulation regarding historic preservation, the protection of old/historic buildings, archaeological sites, or any other heritage sites in your area?

**If yes:** Where might I get a copy of your law/ordinance/regulation?

2. Does your city/county post their ordinances and regulations on the Municipal Code Corporation's Municode Webpage?

**If yes:** is it currently up-to-date or updated regularly?

3. Do you recall in what year the law/ordinance/regulation was enacted?

doesn't recall

year enacted \_\_\_\_\_

4. Does the ordinance provide for any of the following?

Y  N List properties in a local inventory

Y  N List properties on Florida Master Site File in Tallahassee

Y  N Nominate properties to National Register of Historic Places

Y  N Perform reconnaissance or thematic resource surveys

Y  N Perform HABS/HAER level documentation of buildings/structures

Y  N Perform historic structure or archaeological site identification surveys

Y  N Perform archaeological investigation and excavations

Y  N Contain provisions for submerged resource (offshore or rivers/springs)

5. Does your historic preservation ordinance require that surveys, studies, or investigations be performed or a certificate of appropriateness be issued before historic resources are modified or destroyed?

**If yes:** How many projects per year require such documentation?  
Are these reports/certificates reviewed by someone on staff?

Y  N  Don't know

6. Does your ordinance offer tax breaks or incentives for historic preservation?

Y  N

Does the ordinance provide other incentives?

Are local historic preservation/rehabilitation grants available?

7. Does the ordinance provide for response to disaster/emergency (fire, flood, hurricanes)?

Y  N

**If yes,** how?

8. Are there penalties for non-compliance with the preservation ordinance?  
\_\_\_Y \_\_\_N

**If yes, what are the penalties?**

9. Are there any local historic district, historic areas, or local landmarks in your area that are administered by a local preservation board or separate oversight committee?

**If yes, how would they be contacted?**

10. COMMENTS: Are there any issues regarding operation of the program (room for improvement, updating of program, etc.)?