

**HISTORIC PRESERVATION
ELEMENT SUPPORT
DOCUMENT**

Data, Inventory & Analysis

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A. Introduction

The fundamental purpose of historic preservation is to prevent the destruction of historic resources that are worthy of protection. Over the past century, the nation as a whole has witnessed the destruction and deterioration of historic structures in cities and smaller communities alike. More recently, the importance of these structures has been recognized by federal, state and local governments as well as the public. Increased awareness has encouraged change in preservation efforts and methods. Just thirty years ago, communities focused on preserving individual structures associated with prominent persons or great events. Today, historic neighborhoods and downtown districts are the objects of preservation efforts. Historic preservation is an agent for renewal because it brings neighborhoods together, improves property values and instills pride in communities. The historic preservation plan focuses community effort on preserving historic resources that are recognized for their economic, historical, or architectural value, and also defines the role of government in the preservation process. Preservation efforts must enlist the cooperation of the entire community, including planning administrators, officials, and residents, to succeed. The goals, objectives, and policies constitute an agreement within the community regarding the value of historic resources and their respective protections. Residents are more likely to invest in their community if they are assured treasured structures will be protected. The historic preservation plan should also encourage individual residents to help protect the historic resources in their community.

Purpose of Report

Clay County's Historic Preservation Element is designed to protect the historic resources within its jurisdiction against adverse impact and to promote awareness among citizens and residents of the benefits of preserving such resources. The element is furthermore intended to fulfill the County's responsibility under the provisions of Chapter 163 Florida Statutes, 1986, which stated:

"It is the intent of this act that adopted comprehensive plans shall have legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or element or portions thereof, prepared and adopted in conformity with this act."¹

Consistency

Administrative rules governing the preparation of comprehensive plans require that optional elements display consistency with the relevant goals and policies of the State Comprehensive Plan and the appropriate regional policy plan. The optional element must also be consistent with the other elements included in the comprehensive plan to which it belongs. Accordingly, the goals, objectives and policies enumerated in this element must be consistent with those enumerated in those elements of Clay County's Comprehensive Plan and with state and federal policies.²

¹The Florida Legislature. November 1, 2007, <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0163/SEC3161.HTM&Title=-%3E2007-%3ECh0163-%3ESection%203161>

²Clay County 2015 Comprehensive Plan.

B. Existing Preservation Conditions

Brief History of Preservation in the United States

Federal historic preservation legislation dates back to 1906 with Congressional approval of the Antiquities Act, levying penalties for damaging or destroying historic or prehistoric sites located on public lands. The Act also authorized the President to protect appropriate federal landmarks.³

The Historic American Building Survey (HABS) was authorized by President Roosevelt in 1933. The purpose of the survey was to provide employment opportunities to architects during the Depression. In 1934 the American Institute of Architects agreed to perform the inventory of historic structures in the United States. Today, over one half of the over 35,000 structures surveyed have been demolished.⁴

The 1935 Historic Sites Act authorized the Secretary of the Interior to initiate a survey of nationally important sites. This Act constituted the first declaration of a national preservation policy and established the National Register of Historic Places, a list of culturally significant buildings and sites in the United States.⁵

The 1966 National Historic Preservation Act required all historical parks be listed on the National Register of Historic Places, created a Federal Advisory Council on Historic Preservation and required the State Historic Preservation Officer to review all federally funded projects that effect historic sites in their respective states.

Amendments to the 1966 National Historic Preservation Act approved by Congress in 1980 encouraged the strengthening of local legislation for the designation and protection of historic resources. Many local governments formulated similar legislation before 1980 but came under legal attack, particularly before the 1978 Supreme Court decision in the case of Penn Central Transportation versus the City of New York. This decision upheld the constitutionality of local governments employing landmarks laws to protect historic structures from demolition despite economic losses for the property owner.⁶

Historic Preservation in Florida

Florida has emerged in recent years as a national leader among states in adopting historic preservation legislation, funding programs, and organizing public and private preservation activities.⁷ The Florida Archives and History Act of 1967 (Chapter 267, Florida Statutes) is the principal piece of historic preservation legislation in the state and is recognized as one of the strongest such laws in the country. It defines the authority and responsibility of the Florida Department of State to protect historic resources.⁸

³ Charlotte R. Bell, Adina W. Kanefield, Javier Marqués. *Federal Historic Preservation Case Law, 1966-1996 and 1996-2000*. October 22, 2007, <<http://www.achp.gov/book/sectionI.html>>

⁴ *The Library of Congress*. November 1, 2007, <http://memory.loc.gov/ammem/collections/habs_haer/>

⁵ Charlotte R. Bell, Adina W. Kanefield, Javier Marqués. *Federal Historic Preservation Case Law, 1966-1996 and 1996-2000*. October 22, 2007, <<http://www.achp.gov/book/sectionI.html>>

⁶ 2015 Clay County Comprehensive Plan.

⁷ 2015 Clay County Comprehensive Plan.

⁸ *State Library and Archives of Florida*. November 14, 2007, <http://dlis.dos.state.fl.us/index_researchers.cfm>

Florida's 1975 Local Government Comprehensive Planning Act (LGCPA) laid the foundation for local preservation planning in the state. The act listed mandatory elements for inclusion in the general plans, and also includes a "historic preservation and scenic" element. The 1985 LGCPA Act amended a portion of the 1975 legislation to require coastal communities to address the preservation of archaeological and historic resources in their planning efforts. Although communities can fulfill the requirement by addressing the issue of preservation in each of the mandatory elements, the preparation of a separate element is the most effective way to comply with the statutory directive. This legislation requires land use maps to identify historic district boundaries, designate historically significant properties meriting protection and to identify within the housing element historically significant buildings for the purpose of conservation, rehabilitation or replacement.

Historic Preservation in Clay County

Historic preservation efforts in Clay County began in 1959 with the formation of the Clay County Historical Commission by the Board of Clay County Commissioners. This Commission's purpose was to collect and preserve any and/or all aspects of our County's unique and rich heritage for the benefit of future generations. The Historical Commission has also educated the public about Clay County history through two publications. *Parade of Memories* and *Who's Who Politically Speaking* provide descriptions of the early development of Clay County and a listing of its elected and appointed officials during that period.⁹ Since the formation of the Historical Commission, other organizations have developed with similar educational objectives. In October 1966, a group of citizens worked collectively to create the Clay County Historical Society, Incorporated. The purpose of this organization is to bring together individuals who share a common interest in history, especially the history of Clay County and Florida.

The Historical Society successfully achieved their primary goal with the establishment of the Clay County Historical Museum in 1975 at the Old Clay County Courthouse. This facility displays many artifacts, papers, pamphlets, books, photographs, illustrations and articles about virtually all aspects of Clay County's history and development. These items have been loaned or donated to the Society by private citizens for the benefit of residents and visitors. The Society is also responsible for opening a full size caboose and an operational Train Depot at the site to display many artifacts depicting the early days of railroading in Florida. It is a useful educational tool.¹⁰

Ordinance 2011-5 merged the Clay County Historic Preservation Board with the Historic Commission and updated other provisions in Article 12-7 of the Land Development Regulations.

Three other local groups have organized to promote preservation and restoration of individual historic structures and districts in their respective communities. In 1987, a local group of citizens in historic Middleburg organized the Main Street Preservation Society. This organization was successful in obtaining a matching grant from the Florida Department of State to conduct the first Historic Sites Survey of their community and in Clay County. The documentation from the survey was used in part for the application to the National Register of Historic Places for the Middleburg Historic District. This organization has been actively involved in promoting the local history of Middleburg through co-sponsorship of historic festivals.

⁹ Clay County 2015 Comprehensive Plan.

¹⁰ Clay County 2015 Comprehensive Plan.

In 1988 the Green Cove Springs Preservation Society formed with similar aspirations as the Main Street Preservation Society. This organization, like its Middleburg counterpart, actively promotes the preservation and reuse of historic sites in Green Cove Springs. The Society has successfully sponsored three Candlelight Tours of Homes during the Christmas Season and contributed \$1,000.00 to the City of Green Cove Springs to update the Historic Preservation Element of the Comprehensive Plan. The Society is currently interested in serving as a historical resource, saving structures that will potentially be demolished and lastly, encouraging the restoration of the brick streets in historic Green Cove Springs.

The City of Green Cove Springs has also displayed a high degree of interest in preservation activities. The City has successfully obtained grant funding for a Historic Sites Survey, National Register Nomination of a Historic District and updating of the Historic Preservation Element of its Growth Management Plan.¹¹

Historical Society of Orange Park was founded in 2003. Its mission is to preserve and advance an interest in the history of our area. The first project was to preserve the Clarke House, which has expanded to a number of architectural preservation projects, education and a historical focus for many community events.¹²

C. Comprehensive Survey

Before employing protections for historic resources, historically significant properties need to be determined and evaluated. Preservation of a community's resources logically begins with their identification through architectural and archaeological survey to locate, describe and record notable resources. A professionally directed comprehensive survey provides information about historic resources that permits authorities and property owners to make informed decisions regarding the significance and protections required for those resources. Surveys identify buildings, sites, districts, structures, and objects that should be nominated to the National Register and receive its protection, locates properties that deserve consideration in the local planning process, provides planners with a data base to monitor new development, establishes priorities for conservation and restoration, determines potential local historic districts, provides the basis for applying legal and financial tools for preservation, and permits participation in federal programs and planning. Equally important, a competent survey provides the community with a permanent record of its historic resources.

Florida Master Site File:

The Florida Master Site File is the state's clearinghouse for information on archaeological sites, historical structures, and field surveys. This system of paper and computer files is administered by the Division of Historical Resources, a part of the Florida Department of State. Sites and structures listed on the Master Site File are not necessarily historically significant but simply meet the minimum age requirement of fifty years old.

¹¹ Clay County 2015 Comprehensive Plan.

¹² https://www.facebook.com/pg/Historical-Society-of-Orange-Park-183238288378583/about/?ref=page_internal

Architectural Survey:

Architectural survey is the process of identifying and recording buildings in a prescribed geographic area that qualify for listing on the Florida Master Site File. The survey employs historical research and oral information to identify the buildings eligible for recording. A historical description, photographs and location map are recorded in the survey. The Division of Historical Resources requires that surveys completed under its financial or administrative auspices, including projects funded through a survey grant, contain a report describing the historical development and architectural analysis of the survey area.

Archaeological Survey:

An archaeological survey seeks to locate, identify, and assess the significance of prehistoric and historic resources contained below the surface. Subsurface testing combined with environmental and ecological studies is used to locate sites. Since thorough testing for archaeological sites in a large geographic area, such as Clay County, would prove manifestly difficult and costly, a predictive model for site location is often established on the basis of studies described above. This information is provided to planners and local authorities as a means of avoiding destruction of resources in the course of land altering activity. The information is useful only where the local authority introduces regulations and procedures into the permitting process that ensure appropriate parties are advised of potentially destructive activity and guidelines are established to be followed when such determinations are made.

Financial assistance and professional advice in undertaking surveys is provided by the Division of Historical Resources of the Florida Department of State. The department also requires professional qualifications for the people performing surveys.

The National Register of Historic Places:

Surveys provide information upon which a determination can be made regarding the eligibility of individual properties for recording on the National Register of Historic Places, a list of culturally significant properties maintained by the U.S. Department of Interior. The National Register program is often misunderstood. It does not restrict private use of a property; meaning, listing does not come packaged with a set of architectural or land use controls.

Legally, the National Register only protects properties against the consequences of adverse federal activity. Listing on the National Register also provides financial incentives, under the federal tax code, for improving income-producing structures.

Nominations can be made by any person; however, owner consent to the nomination is required. Within proposed historic districts, a majority of property owners must express disapproval of the nomination to prevent its listing. Properties may be determined eligible for listing by the Keeper of the National Register despite owner objection, though they are not listed. Properties determined eligible are afforded a measure of protection under federal and state law.¹²

¹² *National Register of Historic Places*. October 22, 2007, <<http://www.nps.gov/history/nr/listing.htm>>

D. Preservation Measures and Incentives

A variety of legal, financial, and educational measures and incentives can be used to preserve historic resources. They include programs to identify resources, land use controls, financial incentives, and education efforts to inform residents about the advantages of preservation. This section provides a description of those measures, and a summary of their potential for use in Clay County.

Legal Measures and Financial Incentives (Federal)

The federal government's participation in historic preservation is a relatively recent phenomenon. The Antiquities Act of 1906 was the first Congressional act that provided protection of prehistoric and historic ruins on federal lands.¹³ The Historic Sites Act of 1935 ensured the preservation for public use of historic sites, buildings, and objects.¹⁴

The National Historic Preservation Act of 1966 has historically constituted the most significant piece of federal preservation legislation. The Act authorized the Secretary of the Interior to expand the National Register to include sites and districts of local significance, established a grant program to assist the states in their historic preservation activities, and afford some protection to historic sites from federally sponsored destruction through the National Register. These protections and programs principally accomplished through the provisions of Section 106 of the Act.¹⁵

Section 106

This section of the 1966 National Historic Preservation Act requires federal agencies to permit the Advisory Council on Historic Preservation, a federal agency created under the Act, an opportunity to review and comment upon threats to historic resources posed by federal activity.¹⁶ Executive Order 11593, issued by President Nixon in 1971 and translated into law under a 1980 Act of Congress, requires federal agencies to survey and nominate eligible properties that are under their jurisdiction and control to the National Register.¹⁷

NEPA:

An equally important federal law is the National Environmental Protection Act of 1969 (NEPA), which requires federal agencies to prepare an environmental impact statement for activity that affects the human environment. Since the environment is defined to include cultural resources, the impact statements must include the comments from the Advisory Council on Historic Preservation and fulfill the requirements of Section 106.¹⁸

13 Federal Historic Preservation Laws: The Official Compilation of U.S. Cultural Heritage Statutes 2006 Edition. National Park Service U.S. Department of the Interior 5-6.

14 Ibid 12-19.

15 Ibid 34 -98.

16 Ibid 59.

17 Federal Historic Preservation Case Law 1966 – 1996 & 1996 -2000. October 22, 2007,

<http://www.achp.gov/book/sectionVI.html>>

18 Ibid.

Federal Funding Programs

Federal funds are available for historic preservation activities in a variety of government programs and activities. Although few grants are strictly preservation related, federal statutes and regulations contain provisions for historic preservation funding. The most conspicuous source, however, is the annual appropriation to the states authorized under the 1966 National Historic Preservation Act. Ten percent of those funds are only available for Certified Local Governments. A particularly rich source of funding has been through the programs administered by the U.S. Department of Housing and Urban Development (HUD), which offers support for rehabilitation of older housing and downtown redevelopment. The Departments of Agriculture, Commerce, Interior, and Defense are among the federal agencies administering programs which generate preservation activity.

Tax Incentives

For more than three decades, the federal government has encouraged the rehabilitation of historic buildings through a tax incentive program. Beginning with the 1976 Tax Reform Act and the 1978 Revenue Act, federal tax law introduced provisions that favored the retention of older buildings. In 1981, Congress further encouraged preservation with a change in the tax code that allowed taxpayers a credit equal to twenty-five percent (25%) of qualified expenditures for certified and substantial rehabilitation of qualified buildings. The 1986 Tax Reform Act retained the credits, though at a reduced rate. Current law (2016) provides a twenty percent (20%) credit upon the expenses incurred in rehabilitating an income producing certified historic building and a ten percent credit for non-historic buildings placed in service before 1936.

The federal government also encourages preservation through easements by providing donors with federal income, estate and gift tax credits. A preservation easement is a charitable contribution by a landowner to an approved easement holding organization for the purpose of the continued preservation of the historic site and/or structure. The donor retains ownership of the historic site, but transmits specific development and alteration rights to an easement holding organization.

A further provision in the federal tax code favoring historic preservation is one that exempts the interest on Industrial Revenue Bonds employed for historic preservation purposes from federal taxation under Section 103(b) of the Internal Revenue Code of 1954. While each state has a precise limitation upon the amount that can be exempted, the quota is generous. This federal incentive for historic preservation will probably remain substantial.¹⁹

Low-Income Housing Credits

The 1986 Act provides for special relief for investors in certain low-income housing projects.

Community Development Block Grant Funds

The federal Community Development Block Grant program permits the use of funds distributed as community block grants for historic preservation purposes, such as survey of historic resources.

Other Federally-Assisted Measures

In addition to tax incentives and funded support programs, the federal codes are replete with incentives to encourage historic preservation. Such assistance often comes in the form of relief

from rules and requirements that normally apply to non-historic buildings or property. For Example, in coastal areas, where specific building elevations are required for federal insurance purposes, exemptions may be provided at the discretion of the local government in its flood control ordinance to qualified historic structures.

National Private Funds

Various national organizations, led by the National Trust for Historic Preservation, offer grants and loans for historic preservation purposes. The National Trust supports the rehabilitation of inner-city historic districts through grants for planning and administration and low-interest loans for rehabilitation. A "Critical Issues Fund" maintained by the Trust offers grants to support research and projects that address urgent, community wide preservation problems.

Legal Measures and Financial Incentives (State)

A variety of legal and financial incentives and instruments created under state and local statute, law and regulation are also available for use by government and citizens to assist preservation efforts. In many cases, these are familiar devices in real estate and tax law.

Preservation Easements:

A preservation easement is a voluntary restriction placed on a property by the owner that ensures the continued preservation of the structure and/or site by subsequent owners. The easement is usually placed with a non-profit organization that is qualified to maintain it over a period of time. Tax advantages are available for some easements. Federal law permits, for example, the donation of a façade easement for the purpose of preserving the exterior integrity of a qualified historic building. Conservation easements are used to preserve archaeological sites or open spaces.²⁰

Restrictive Covenants

Though it is created differently, a restrictive covenant has the same effect as a preservation easement. Restrictive covenants prohibit particular uses and modifications of a property after ownership is transferred. A covenant attached to a deed, for example, might prohibit subdivision of the property or demolition of a structure.

The Florida conservation easements statute explicitly recognizes that an easement may be created by a restrictive covenant. However, if there is a preservation organization willing to accept and enforce an easement, there would not be any advantage to also having a restrictive covenant. There is less assurance of protection and no tax advantages with a restrictive covenant compared to an easement. When establishing a covenant, the Florida conservation easements statute, Section 704.06, Florida Statutes (1985) should be consulted for assurances that it can be enforced.

Transfer of Development Rights

A transfer of development rights (TDR) allows a property owner to transfer the right to develop a property to another parcel. This device is similar to an easement because it involves the acquisition or transfer of certain property rights. This program retains the donor parcel in its existing state, while the receiving parcel may be developed more intensely than would otherwise

²⁰ *Preservation Easements: An Important Legal Tool for the Preservation of Historic Places*. November 6, 2007, <<http://www.nationaltrust.org/legal/easements/index.html>>

be allowed. Local government can employ this device to protect environmentally sensitive areas, agricultural lands and historic properties.

Legislative Initiatives

The Florida Legislature has enacted a number of statutes to stimulate redevelopment of areas defined variously as blighted, slums, or enterprise zones. Since these areas are often rich in older or historic building stock, the statutes provide a major tool for preservation and rehabilitation. State incentives and programs that encourage revitalization of areas defined as enterprise zones are:

1. The Community Contribution Tax Credit is intended to encourage private corporations and insurance companies to participate in revitalization projects undertaken by public redevelopment organizations in enterprise zones. This credit explicitly includes historic preservation districts as both eligible sponsors and eligible locations for such projects. This tax credit actually allows a corporation or insurance company a 55 cent refund on Florida Taxes for each dollar contributed up to a total contribution of \$400,000, assuming the credit does not exceed the state tax liability.
2. Tax increment financing provides for use of the tax upon an increased valuation of an improved property to amortize the cost of bonds issued to finance the improvement. Tax increment financing can effectively pay for redevelopment by requiring that the additional ad valorem taxes generated by the redeveloped area be placed in a special redevelopment trust fund and used to repay bondholders who provided funding at the beginning of the project.
3. Property tax deferments to property owners in historic districts.
4. Job creation incentive credits.
5. Economic revitalization tax credits.
6. Community development corporation support and assistance programs.
7. Sales tax exemption for building materials used in rehabilitation of real property in enterprise zones.
8. Sales tax exemption for electrical energy used in enterprise zones.
9. Credit against sales tax for job creation in enterprise zones.
10. State and local incentives and programs encourage revitalization not only in blighted areas, but also in historic properties that include reduced assessment and transfer of development rights provisions listed above and, most notably, Industrial Revenue Bonds.

While many of the incentives and programs listed above appear directed toward areas defined as blighted, preservationists cannot overlook the economic encouragement they offer for the rehabilitation of historic structures and districts that have been neglected. Moreover, there are significant incentives which are available to historic properties and districts without regard to blight or urban decay. These prominently include the Community Contribution Tax Credit and Tax Increment Financing.

Direct State Legislative Support

The State of Florida became increasingly active in historic preservation during the 1980's. The Florida Department of State is responsible for dispersing state preservation dollars. It provides funding in the areas of acquisition and development, survey and registration and preservation education. Funding is primarily sought for surveys of architectural and archaeological resources, preparation of National Register nominations, completion of a Historic Preservation Element for the Comprehensive Plan, preparation of a historic preservation ordinance and accompanying guidelines, acquisition of culturally significant properties and rehabilitation of historic structures.

Eligible recipients for such grants include county and municipal governments and registered nonprofit organizations. The grants are administered by the Division of Historical Resources of the Florida Department of State.²¹

Other Sources and Programs

Private funding sources for historic preservation include commercial banks, private lenders, insurance companies, and so forth. Many state, local and national foundations and non-profit organizations also support preservation efforts.

Revolving Funds

Revolving funds have become a familiar instrument in historic preservation. They permit preservation organizations to purchase threatened historic properties or obtain an option to purchase and then the funds are used for repairs. After the repairs are complete, these organizations sell the property with restrictive covenants that will assure its preservation. The money obtained from the sale is returned to the fund for another preservation project. Loans may also be made from the fund for private preservation projects.

Marker Program

Bronze marker signs on roadsides alert the public that historic resources are nearby. The Florida Historical Marker Program recognizes historic resources, persons and events that are significant in the areas of architecture, archaeology, Florida history and traditional culture by promoting the placing of historic markers and plaques at sites of historical and visual interest to visitors. The purpose of the program is to increase public awareness of the rich cultural heritage of the state and to enhance the enjoyment of historic sites in Florida by its citizens and tourists.

Plaque Program

Plaques and certificates are awarded to property owners that meet specific criteria in their preservation efforts. These awards are often employed to encourage preservation by recognizing outstanding efforts as well as to identify important sites and buildings. In undertaking such a program, directors must understand the absolute necessity for establishing written and well defined criteria to select award recipients. The awards should be made by a qualified committee based upon established criteria. In the absence of such steps, the awards will become meaningless or worse, controversial and possibly injure the preservation efforts in the community.

²¹ *Clay County 2015 Comprehensive Plan.*

Informational Material

Local governments, Chamber of Commerce, private corporations and institutions, and local historic preservation organizations should promote the distribution of historic resources. Maps, brochures, and other materials designed to acquaint visitors and residents with the county should be produced and freely distributed. Studies completed by the National Trust for Historic Preservation have indicated that historic sites occupy a high place of preference among tourists. Local governments, cultural organizations, and private business find in many instances that advertising historical points of interest to be economically advantageous.²²

Municipal Actions

Virtually all of the programs and incentives outlined above that are useful in the preservation process should be considered for inclusion in the Historical Element. There is additionally a set of specific administrative actions which the county should pursue. Some of the measures listed below are discussed elsewhere and are included here as a summary list.

Building Code

The physical specifications for new or rehabilitated structures in Clay County are governed by the Building Code. Like most counties, Clay County has adopted the Standard Building Code, which gives the building official discretion to provide exemptions for historic structures to many provisions that would, if required, jeopardize the integrity of the structure.

Zoning Code

The introduction of discordant elements to a historic setting may destroy the integrity of existing historic resources. Historic architectural controls are a special kind of zoning and should be considered a reasonable regulation of property development applied in the interest of the community. Zoning is the most common historic preservation tool, but it also presents significant dangers to historic resources if it is wrongfully applied. The introduction of commercial buildings in a residential neighborhood, for example, may lead to the neighborhood's destruction.

The term zoning applies to land use controls that can exert a positive or negative effect on historic resources. Lot size, density, permitted use, occupancy, and architectural standards are all examples of land use controls which are regulated through zoning and have an impact on historic resources. A historic preservation ordinance, which may include architectural standards for review, is generally considered a zoning issue and defended as such when challenged.

County Land Management

Clay County owns and maintains property that contains significant historic resources, including buildings, archaeological materials, landscape features, and other objects. These sites should be recognized and treated with due regard for their historical significance and appearance. County properties that may harbor archaeological or architectural sites include highway right-of-ways, parks, and recreation areas.

²² *Cultural Heritage Tourism*. November 8, 2007, <<http://www.culturalheritagetourism.org>>

Certified Local Government (CLG) Program

Since its establishment by Congress in 1966, the National Historic Preservation Program has operated as a decentralized partnership between the federal government and the states. The federal government set up a program of identification, evaluation, and protection of historic properties based on the National Register of Historic Places eligibility criteria. The program is carried out by the states, under the direction of the National Park Service. To support their efforts, participating states receive grants annually from the Federal Historic Preservation Trust Fund. Funds are normally used to support the staff of the State Historic Preservation Office and a portion of the funds must be redistributed in the form of sub-grants to CLG's for survey, planning and other activities.

The success of the relationship between the states and federal government led Congress to provide direct participation to qualified local governments. The National Historic Preservation Act Amendments of 1980 (P.L. 96-515) provide the legal basis for the new federal-state-local preservation partnership commonly referred to as the Certified Local Government Program. The amendments directed the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for certification of local governments. The Certified Local Government Program permits the states to delegate limited responsibilities to local governments that meet specific qualifications for certification and provide limited grant-in-aid funding to assist them in that process.

E. Historic Preservation Organizations and Agencies

Historic Preservation involves a broad coalition of supporters, including numerous agencies from all levels of government, residents, professional groups, and public and private organizations. The implementation of an effective historic preservation program in Clay County requires officials, administrators, and residents to be aware of the responsibilities and functions of the organizations involved in the historic preservation process. For example, County administrators or local residents undertaking activities that are regulated by the federal or state government should understand the requirements for compliance. The following section is an educational aid to understand the organizations and agencies involved in the historic preservation.

Federal Government

The U.S. Department of Interior is the federal agency responsible for implementing the historic preservation program. The program includes administration of nationally significant sites, maintenance of the National Register of Historic Places, conducting Historic American Building Survey (HABS) and ancillary programs, administering grants to states for historic preservation activities, development of guidelines for survey, establishment of rehabilitation standards and review of applications for tax certifications for historic buildings, and assistance and advice regarding preservation issues. The State Historic Preservation Office, a part of the Florida Department of State, is the responsible state agency for implementing the federal program.

Section 106 of the National Historic Preservation Act (see Preservation Measures) requires federal agencies to consider the effects of their actions, or actions they may assist, permit, or license, may have on historic properties. Also, The Advisory Council on Historic Preservation (ACHP) must be given a "reasonable opportunity to comment" on activity that may affect significant historic resources. Projects may include construction of highways and wastewater

treatment plants, issuance of permits by the Army Corps of Engineers for wetlands dredge and fill projects, and redevelopment projects funded through a Community Development Block Grant (CDBG), among others.

Section 106 applies to properties that have been listed in the National Register of Historic Places, properties that have been determined eligible for inclusion in the National Register, and properties that may be eligible but have not been evaluated. Compliance by the County or its residents with federal historic preservation laws and regulations must be coordinated through the State Historic Preservation Officer.

State of Florida

The state's responsibility for protecting and preserving historic resources is exercised through a variety of departments and agencies but principally through the Department of State's Division of Historical Resources. The director of the division is designated as the State Historic Preservation Officer (SHPO) and thus coordinates the federal program in Florida as well as directs the administration of the state program.

This Division, which derives its authority from Chapter 267 of the Florida Statutes, functions as the state's chief manager of historic properties, and is charged with the following responsibilities:

1. Cooperate with federal and state agencies, local governments, and private organizations and individuals to direct and conduct a comprehensive statewide survey of historic resources and to maintain an inventory of such resources.
2. Develop a comprehensive statewide preservation plan.
3. Identify and nominate eligible properties to the National Register of Historic Places and otherwise administer applications for listing historic properties in the National Register.
4. Cooperate with federal and state agencies, local governments, and organizations and individuals to ensure that historic resources are taken into consideration at all levels of planning and development.
5. Advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities and programs.
6. Provide public information, education, and technical assistance relating to historic preservation programs.
7. Cooperate with local government and organizations and individuals in the development of local historical preservation programs, including the Main Street America Program of the National Trust for Historic Preservation, or any similar programs that may be developed by the division.
8. Carry out on behalf of the state the programs of the National Historic Preservation Act of 1966, as amended, and to establish, maintain, and administer a state historic preservation program meeting the requirements of an approved program and fulfilling the responsibilities of state historic preservation programs as provided in subsection 101(b) of that act.

9. Take such other actions necessary or appropriate to locate, acquire, protect, preserve, operate, interpret, and promote the location, acquisition, protection, preservation, operation, and interpretation of historic resources to foster and appreciation of Florida history and culture. Prior to the acquisition, preservation, interpretation, or operation of a historic property by a state agency, the division shall be provided a reasonable opportunity to review and comment on the proposed undertaking and shall determine that there exists historic authenticity and a feasible means of providing for the preservation, interpretation and operation of such property. Expenditures by the division to protect or preserve historical properties leased by the division for the Board of Trustees of the Internal Improvement Trust Fund may be exempt from the competitive bid requirements of chapters 255 and 287.
10. Cooperate and coordinate with the Division of Recreation and Parks of the Department of Environmental Protection in the operation and management of historic properties or resources subject to the Division of Historical Resources.
11. Establish professional standards for the preservation, exclusive of acquisition, of historic resources in state ownership or control.
12. Establish guidelines for state agency under subsection (2).
13. Acquire, maintain, preserve, interpret, exhibit, and make available for study objects which have intrinsic historical or archaeological value relating to the history, government, or culture of the state. Such objects may include tangible personal property of historical or archaeological value. Objects acquired under this paragraph belong to the state, and title to such objects is vested in the division.²³

Chapter 267 also spells out the responsibilities of Executive Branch's site agencies in the preservation process. The agencies are required by statute to locate, inventory, and evaluate historic properties under their ownership or control. They must also notify the Division of Historical Resources of any projects that may impact historic sites and allow the Division opportunity to comment. The Department of Economic Opportunity plays a major role in the preservation process through its review of local government comprehensive plan amendments and administration of the Areas of Critical State Concern Program.

The Division of Historical Resources administers the federal and state funds for historic preservation activities. These funds include a portion of the federal allocation for historic preservation distributed to each state on an annual basis as well as monies contributed to the Florida Historic Preservation Trust Fund, whose principal source is legislative appropriation. In this function and others, the division is assisted by a twelve-member Historic Preservation Advisory Council, whose members are appointed by the Secretary of State.

²³ *Florida Statutes Chapter 267*. November 9, 2007, <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0267/SEC061.HTM&Title=->2000->Ch0267->Section%20061#0267.061>

Other preservation programs administered by the division include the Florida Main Street program, the Certified Local Government (CLG) program (see Preservation Measures), applications for federal tax credits for rehabilitation of historic properties, and the state marker program. The division also administers on behalf of state and federal governments the compliance review program, which oversees the application of historic preservation law and regulation in appropriate situations.

As part of the responsibilities enumerated above, the division maintains the Florida Master Site File (see Preservation Measures), a standardized list of historic resources found in the state. The division issues guidelines, financial assistance, and professional advice to local governments and nonprofit organizations that undertake surveys to locate, identify, and evaluate properties for inclusion in the list.

Clay County

The ultimate governmental responsibility for preserving the cultural heritage of Clay County rests with local government, which has the authority to regulate land use. The County has a number of preservation options that it can employ, including incentive and enforcement measures that are enumerated in the Preservation Measures section.

County departments and independent agencies of local government are normally exempt from the County's permitting requirements for private individuals and firms. The County may own property within historic districts or property that has historical and cultural value, and the County may make modifications to such property that would require permits if the property were privately owned. On a routine basis, as part of its general program to maintain streets, parks, buildings, sidewalks, and other spaces, the county engages in activity that may affect the physical character of historic areas.

County departments that may impact the physical character of historic resources include the Economic and Development Services, Recreation and Open Space, and Public Works. The review and approval of applications to engage in land altering activities and management of county properties and lands both present possible impacts on historic resources.

Equally important is the role of county agencies in drafting rules for administration, preparing regulations and codes, drafting ordinances, and preparing and adopting plans, particularly the Comprehensive Plan. Through instruments of law, regulation and administration, county governments can most effectively preserve historic resources.

Private Organizations (State and National)

There are numerous private organizations at the national, state, and local level involved in the historic preservation process. None, of course, exercises any legal responsibility for the protection of historic resources, unless the particular entity owns such property or is assigned applicable trusteeship under law. Private organizations nevertheless play a vital role in preserving historic resources by providing useful information and services, implementing preservation education programs, holding easements, restoring individual properties and lending financial assistance for preservation.

National Trust for Historic Preservation

Chartered by Congress in 1949, the National Trust is a quasi-public organization that provides assistance, advice, and some funding to private organizations for historic preservation activities. The National Trust produces educational and informational journals and technical publications for the benefit of preservationists. Particularly useful is Preservation News, the Trust's monthly newspaper, which provides national and regional coverage of significant preservation policy issues, and Forum Online, a professional research tool that allows preservationists to communicate ideas with the preservation community. The organization maintains a national headquarters in Washington D.C. and regional field offices.

F. Description of Historic Resources

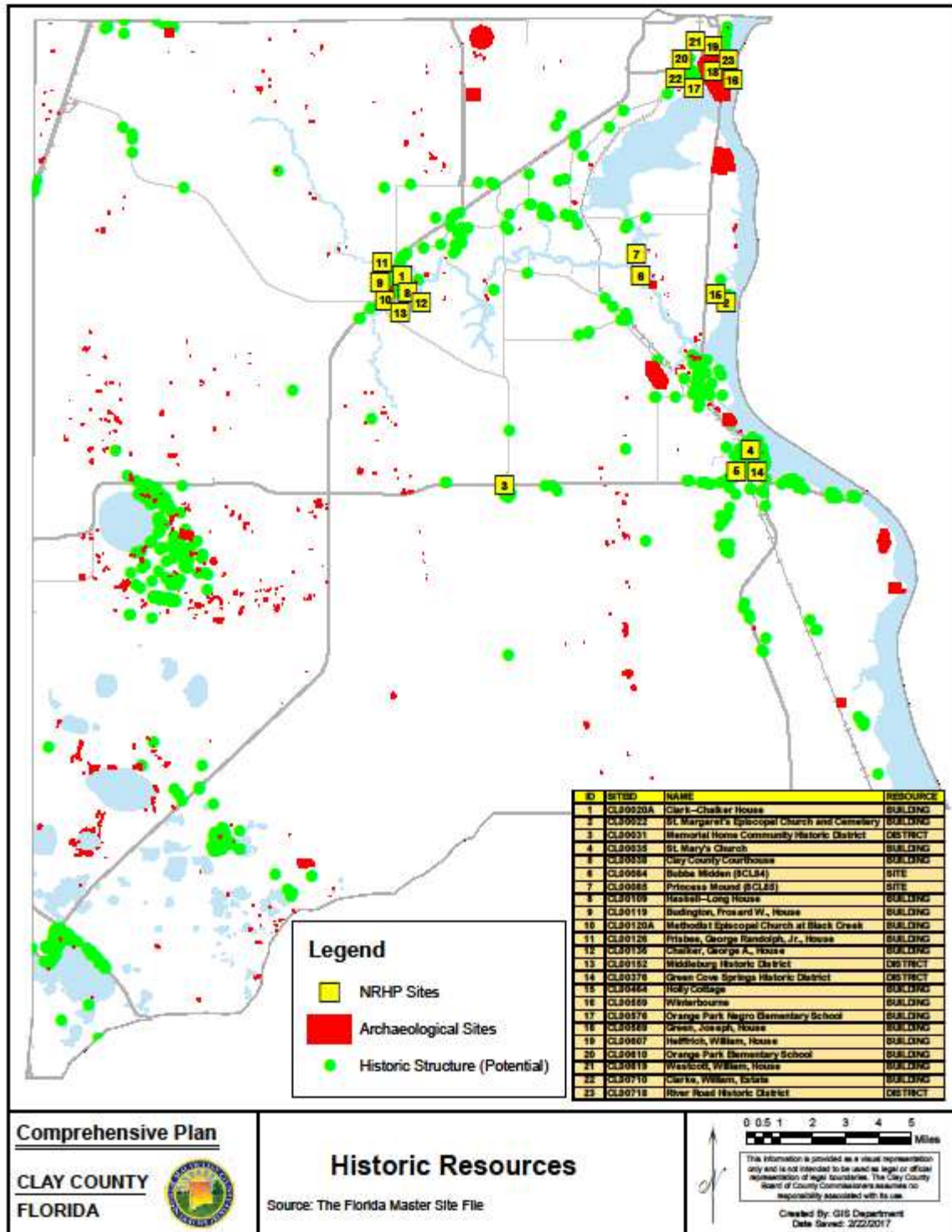
An inventory of existing surveys was utilized to determine the historic resources in the County. The Division of Historical Resources within the Florida Department of State maintains the Florida Master Site File, a statewide compilation of historically and archaeologically identified sites. One thousand one (1,001) structures have been identified in the County by the State at this time. Additionally, over three hundred archaeological sites have been identified. The County also has twenty-three (23) National Register sites as well as two (2) National Register Historic Districts in Middleburg and the City of Green Cove Springs. Of the twenty-three (23) historic sites, nine (9) are located in the County and thirteen (14) are located in the municipalities. These sites are identified on the Historic Resources Map in Figure 1.

Table 1 – Clay County National Register Sites

	NRHP Registered Individual Buildings	Planning District / Municipality
1	Clark-Chalker House	Middleburg / Clay Hill
2	St. Margaret's Episcopal Church and Cemetery	Fleming Island
3	Memorial Home Community Historic District	Town of Penney Farms
4	St. Mary's Church	City of Green Cove Springs
5	Clay County Courthouse	City of Green Cove Springs
6	Bubba Midden (8CL84)	Fleming Island
7	Princess Mound (8CL85)	City of Green Cove Springs
8	Haskell-Long House	Middleburg / Clay Hill
9	Budington, Frosard W., House	Middleburg / Clay Hill
10	Methodist Episcopal Church at Black Creek	Middleburg / Clay Hill
11	Frisbee, George Randolph, Jr., House	Middleburg / Clay Hill
12	Chalker, George A., House	Middleburg / Clay Hill
13	Middleburg Historic District	Middleburg / Clay Hill
14	Green Cove Springs Historic District	City of Green Cove Springs
15	Winterbourne	Town of Orange Park
16	Orange Park Negro Elementary School	Town of Orange Park
17	Green, Joseph, House	Town of Orange Park
18	Helffrich, William, House	Town of Orange Park
19	Orange Park Elementary School	Town of Orange Park
20	Westcott, William, House	Town of Orange Park
21	Clarke, William, Estate	Town of Orange Park
22	River Road Historic District	Town of Orange Park
23	Holly Cottage	City of Green Cove Springs Fleming Island

Source: The Florida Master Site File

Figure 1 – Historic Resources Map



G. Analysis

The County owned National Register listed facilities have been rehabilitated. The Historic Courthouse is in need of additional rehabilitation. Research is currently underway with regard to grant opportunities.

A State historic marker was erected by the Clay County Historic Preservation Board at Camp Chowenwaw Park, in May 2016, at the Big Cabin. The research that was done by the Historic Preservation Board to justify the State marker is indicative of the eligibility of Big Cabin for National Register Listing.

The County has all the land development regulations in place, Section 12-7 of the County Land Development Code, to provide a greater degree of protection for the historic structures located in unincorporated Clay County, than is afforded simply by National Register listing. The implementation of local historic districts would provide the strongest protection for these resources. When a property owner is confident that the investments they make in historic rehabilitation will be replicated by surrounding historic property owners, historic rehabilitation is most likely to occur and be maintained over the years. These efforts have resulted in a pattern of higher property values and economic development in those places that implement such regulations fully.

H. Major Local Issues

Five (5) major local issues regarding the future of Clay County were developed by consolidating public input gathered at ten community meetings held throughout the County and the results of an online survey of County residents:

Major Issue 1

Infrastructure (including roads, parks and recreation, libraries and fire stations) is lagging behind development

The public expressed their desire for no more residential development until supporting infrastructure (especially roadway capacity) catches up. They stressed new development should pay for impacts (impact fees) and asked the County to consider financing alternatives such as Tax Increment Financing and public/private partnerships. The public repeatedly commented on the need more funding for the Library System to provide service to the entire county; the need for more fire stations; and a desire for community-scaled parks to include amenities such as athletic fields for baseball, soccer, lacrosse, Frisbee golf, pickle ball courts and fee based dog parks.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 2

Transportation networks for auto, bicycle and pedestrian need better connectivity and improvements for safety and efficiency

The public commented on the need for addressing deteriorating roads, better street lighting, and signal synchronization; providing more connectivity of roads to offer relief to Blanding Boulevard traffic (Cheswick Oaks Drive, College Drive Extension and connection at Loch Rane); the need for bike lanes/paths and an interconnected system of pedestrian/bicycle trails that includes conservation areas.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 3

Develop a balanced economic environment that focuses on the strengths of the County's resources (natural, built and human)

The public commented on the need for employment opportunities in the fields of manufacturing, light (clean) industrial, logistics, and high tech. Comments included the need to refurbish/complete empty commercial to prevent blight and before new construction; provide incentives to keep agriculture industry active; and the need for small business retention and incentives. On more than one occasion the public stressed the need for a mix of job opportunities for professionals and for young adults, as well as more nightlife/family entertainment options.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 4

Ensure the health and vitality of the natural environment

The public commented on the need for water quality protection (spring and lakes) and aquifer protection pointing to negative impacts from the drawdown of lakes. The public expressed a need to maintain the rural character of the County's existing rural areas.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

Major Issue 5

Provision of recreational opportunities for the entire County

The public commented on the need for community-scaled parks to include amenities such as athletic fields for baseball, soccer, lacrosse, Frisbee golf, pickle ball courts and fee based dog parks. They also prefer recreational opportunities/activities for all ages with extended hours and sufficient lighting.

There are no Historical Element objectives or policies that directly relate to or otherwise impact this issue.

I. Matrix for Evaluating Plan Policies

As part of the evaluation of the 2025 Comprehensive Plan's Historic Preservation Element, the County evaluated of each goal, objective and policy against the following six criteria to determine if any modifications to them are necessary or recommended.

1. Does the objective or policy have a measurable target?
2. Are there definitions of the terms contained in the objective or policy?
3. Has the objective or policy been achieved?
4. Is the objective or policy related to one or more of the County-identified major issues?
5. Is the objective or policy required to be included in the Comp Plan by statute?
6. Does the objective or policy support other objectives or policies?

Historical	Measurable Target	Defined Terms	Achieved	Major Issue	Statute Requires	Supports Others	Observations
HIS GOAL 1	Yes	No	Yes	No	No	No	
HIS OBJ 1.1	Yes	No	Yes	No	Yes	Yes	
HIS POLICY 1.1.1	Yes	No	Yes	No	Yes	Yes	
HIS POLICY 1.1.2	Yes	No	Yes	No	Yes	Yes	County GIS maintains the Master Site File Data Base.in cooperation with Planning Division.
HIS POLICY 1.1.3	Yes	No	No	No	No	Yes	
HIS POLICY 1.1.4	No	No	No	No	No	Yes	The County could place a link to the Florida Division of Historic Resources on its website.
HIS POLICY 1.1.5	Yes	No	No	No	No	No	The HPB should consider compiling a list.
HIS OBJ 1.2	Yes	No	Yes	No	Yes	Yes	The site file indicates many have been evaluated. However implementation of local historic districts would provide more protection of historic resources, then NR listing.
HIS POLICY 1.2.1	Yes	No		No	No	Yes	Amended in 2011.
HIS POLICY 1.2.2	Yes	No	Yes/No	No	No	Yes	
HIS OBJ 1.3	Yes	Yes	Ongoing	No	No	Yes	
HIS POLICY 1.3.1	Yes	Yes	Yes	No	No	Yes	
HIS POLICY 1.3.2	No	No	Yes	No	No	Yes	
HIS OBJ 1.4	No	Yes	Yes	No	No	Yes	Consider nomination of Camp Chowenwaw Big Cabin.
POLICY 1.4.1	Yes	Yes	Yes	No	No	Yes	
POLICY 1.4.2	No	No	No	No	No	Yes	
POLICY 1.4.3	Yes	Yes	----	No	No	Yes	National Register listings are available online from the National Park Service. Criteria also available online at the Florida Division of Historic Resources. Consider providing a link on our website to both.
POLICY 1.4.4	No	No	No	No	No	Yes	Consider Property Tax Incentive and bonus densities for appropriate rehabilitation/infill projects.
OBJ 1.5	Yes	Yes	Yes	No	No	Yes	Consider implementing a local historic district in Middleburg; and local designation of other individual sites.
POLICY 1.5.1	Yes	Yes	Yes	No	No	Yes	See Article 12, Clay County Land Development Code.
OBJ 1.6	Yes	Yes	Yes	No	No	Yes	
POLICY 1.6.1	No	Yes	Yes	No	No	Yes	
POLICY 1.6.2	No	No	Yes	No	No	Yes	
POLICY 1.6.3	Yes	No	Yes	No	No	Yes	Add definitions for the Secretary of the Interior standards.

J. Assessment of Changes to Florida Statutes

As part of the evaluation of the 2025 Comprehensive Plan’s Historical Element, the County examined changes in state statutory requirements since 2009, the last update of the Comprehensive Plan. This is an optional element of the Comprehensive Plan and has not been affected by any state statutory revisions.

K. Conclusions and Proposed Revisions

The Comprehensive Plan is substantively up-to-date and the County has done a good job of implementing its Comprehensive Plan. Most necessary amendments are those as required by changes in State law, or to provide greater emphasis on issues of particular importance to Clay County.

- Add the name of the Element to all GOPs to better differentiate among others in the Comprehensive Plan.
- Add a definitions section to the GOPs for easier reference.
- Revise the name of the element
- Revise to reflect correct county department/division references
- Revise to reflect the change to Historic Preservation Board
- Revise the name of the element from Historical Element to Historic Preservation Element

The following offers easy identification of changes made to update the Historical Element. New (added) language is underlined and removed (deleted) language is ~~struck through~~.

Proposed Amendment to Element Title

Revise the title to reflect the intention to preserve the county's historical treasures

~~HISTORICAL~~ PRESERVATION ELEMENT

Proposed Amendment to Policy 1.2 (HIS Policy 1.1.2)

County GIS maintains the Master Site File Data Base in cooperation with the Planning Division.

HIS POLICY 1.1.2

The Clay County Planning ~~Department~~ and Zoning Division, in cooperation with Geographic Information Services, shall continue to maintain Historic Resources Maps, a comprehensive listing of all archeological sites and historic building locations.

Proposed Amendment to Policy 1.3 (HIS Policy 1.1.3)

Ordinance 2011-5 created the Historic Preservation Board to replace the Historical Commission.

HIS POLICY 1.1.3

The County Historic Preservation Board will cooperate with the ~~Historical Commission~~ and other historical/preservation societies and organizations to establish a prioritized list of the top ten sites or objects of historical interest.

Proposed Amendment to Policy 1.5 (HIS Policy 1.1.5)

Updates department name to Economic and Development Services Department.

HIS POLICY 1.1.5

The County, in conjunction with other historical/preservation organizations, shall prepare a list of historical and geographical names significant to Clay County's heritage. The Public Works and Economic and Development Services Departments shall make the list available to all developers and interested parties as an aid in naming streets and subdivisions.

Proposed Amendment to Objective 3 (HIS Objective 1.3)

Ordinance 2011-5 created the Historic Preservation Board to replace the Historical Commission.

HIS OBJ 1.3 Clay County will assist the ~~Historical Commission~~ Historic Preservation Board and other historical organizations with planning grants, surveys and other public and private grants.

Proposed Amendment to Policy 1.4 (HIS Policy 1.4.1)

Revise name to Planning and Zoning Division, which is within the Economic and Development Services Department.

HIS POLICY 1.4.1

The ~~Planning Department~~ and Zoning Division will coordinate and assist the ~~Historical Commission~~ Historic Preservation Board in the preparation of a National Register of Historic Places Nomination Form as funds are available, to the Florida National Register Review Board for review as structures, districts and objects identified during the historical inventory are deemed eligible for nomination by qualified consultants or other historic preservation professionals.