



THE KEYSTONE HOTEL. FERNANDINA, FLA.  
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CHAPTER FIVE

## V. RECOMMENDATIONS

Historic preservation, the process of protecting and maintaining buildings, sites, structures, and objects of significance, can be separated into three phases: (1) identification; (2) evaluation; and (3) protection. This re-survey constitutes an important continuum in the preservation of the historic-period buildings in Fernandina Beach. The documents produced by the survey include Florida Master Site File (FMSF) forms and this report, which are designed to provide information that property owners, residents, and municipal staff and officials need to make informed judgments about resources that have value and the means by which they can protect those resources.

### Summary of Recommendations

This section contains a summary of measures that residents and municipal officials can adopt and employ in their preservation programs. It includes our opinion regarding the significance of particular resources, the efficacy of measures that may be taken to protect or to preserve them, and suggestions for programs that will call attention to the city's heritage.

1. The report and the FMSF forms will be held in perpetuity at the Florida Master site File (FMSF) in Tallahassee, Florida. Also, copies of the report and the FMSF forms generated from the survey should be maintained at the Fernandina Beach City Hall and Amelia Island Museum of History. One copy of the report should also be distributed to the Fernandina Beach Public Library.

2. Residents, elected officials, and staff of the city government should utilize the information contained within this report and FMSF forms to add to their awareness of the city's historic building fabric and act to protect those historic resources of significance. Public meetings should be held about the survey to help make residents aware of changes in the historic fabric of the city since 1985, the effects of the preservation process, the aesthetic benefits and tax incentives afforded property owners of historic buildings. The public meetings should also include discussions about the city's historic preservation ordinance, the most effective device to protect historic resources.

3. Community awareness of local historic architecture and historic places can be handled through a continuing education program that includes public meetings, articles in local newspapers, and the publication of guidebooks and pamphlets. The City and Amelia Island Museum of History should consider publishing a historical and architectural guidebook or pamphlet of Fernandina Beach. The publication should include a brief history, photographs of significant buildings that still stand and lost landmarks, maps, biographical sketches of people who contributed to the development of the city, and other themes that could also be briefly, but appropriately addressed in a well-designed and written pamphlet or coffee-table book.

In addition to local sales and distribution, this type of publication should find a ready market share in Florida's heritage tourism industry, an important growth market in the state. Heritage tourism has only begun to tap Florida's picturesque and historic buildings, districts, and landscapes, which should be emphasized by historical societies and municipal governments. Other forms of public



education involve expanding a building plaque program previously initiated in the city, a program that identifies historic buildings, and the continuation of a marker program. These markers, implemented in conjunction with the Bureau of Historic Preservation, which offers grant assistance for these projects, already identify significant historical buildings and events at specific historic sites, such as the Fairbanks House, First Presbyterian Church, Lesesne House, Memorial United Methodist Church, and New Zion Baptist Church, among others. Appropriate sites for additional markers may include the site of the Amelia Island Museum of History, David Levy Yulee House, Peck High School, Public School No. 1 and the adjoining Atlantic Elementary School, St. Joseph's Convent and School, and various African-American churches. For each proposed site, additional research should be conducted to confirm the most accurate and appropriate location and language to appear on the marker.

4. Staff members of the Amelia Island Museum of History, Historic District Council, and municipal officials and staff should review the properties suggested for listing in the National Register of Historic Places (NRHP) outlined in a subsequent section of the recommendations. NRHP listing of significant buildings and historic districts will help strengthen the perception of the architectural and historical significance of the city and promote rehabilitation of historic buildings through tax incentives for owners of income-producing historic properties.

5. The City of Fernandina Beach might want to consider adopting a local archaeological ordinance. Significant subsurface, archaeological remains almost certainly occur within the historic district, and these resources could be impacted by future infrastructure improvements. There are several such regulations that the city might use as templates. These templates include the ordinance of St. Augustine, Florida (Section 3.01.05.B.1 of the St. Johns County zoning regulations, Article III, Special Districts, Sections 3.01.00-3.01.08 as established by St. Johns County Ordinance Book 23, Pages 72-81); Hilton Head, South Carolina; Jacksonville, Florida (Section 654.122 of the Duval County Subdivision Code); Sarasota, Florida; the City of Hilton Head, South Carolina; and the City of Mount Pleasant, South Carolina.

## **1. Identifying, Documenting, and Evaluating Historic Resources**

"Historic property" or "historic resource" means any pre-historic or historic district, site, building, structure, or object included in the NRHP, or determined eligible for listing. An ordinance of local government may also define a historic property or historic resource using slightly less rigorous criteria than those used for listing properties in the NRHP.

The identification of historic resources begins with their documentation through a professional survey conducted under uniform criteria established by federal and state historic preservation offices. Survey is a gathering of detailed information on the buildings, sites, structures, objects, and artifacts that have potential historical significance. The information should provide the basis for making judgments about the relative value of the resources. Not all resources identified or documented in the survey process may ultimately be judged "historic," protected by a historic preservation ordinance or even preserved. Still, all such resources should be subjected to a process of evaluation that results in a determination of those which should be characterized as historic



under either federal or local criteria.

The Florida Master Site File (FMSF) is the state's clearinghouse for information on archaeological sites, historic standing structures, and reports on field surveys. A system of paper and computer files, the FMSF is administered by the Bureau of Historic Preservation, Division of Historical Resources, and Florida Department of State. The form on which a site or building is recorded is the FMSF form. Recording a site or building on that form does not mean that it is historically significant, but simply that it meets a particular standard for recording. A building, for example, should be fifty years old or more before it is recorded and entered into the FMSF. Relatively few buildings or sites included in the FMSF are listed in the NRHP, the accepted criterion for a "historic resource."

The NRHP is the official federal list of culturally significant properties in the United States. The NRHP is maintained by the U. S. Department of the Interior, National Park Service (NPS). The buildings, sites, structures, objects, and districts listed in it are selected under criteria established by the NPS. Listing is essentially honorary and does not imply federal protection or control over private properties listed unless federal funds or activities are allocated toward them. Under current law, commercial and other income-producing properties either individually listed in the NRHP or located within a NRHP historic district are eligible for federal tax credits and other benefits if they are certified as contributing to the characteristics of the district. Buildings individually listed in the NRHP are automatically considered certified historic structures and, if income-producing, also qualify for federal tax credits and other benefits. Formats for nominating properties to the NRHP include the individual nomination; the historic district, which designates a historic area within defined and contiguous boundaries; and the Multiple Property Submission (MPS), which permits scattered resources within a defined geographic region that have common links to history, pre-history, or architecture to be included under one cover nomination.

## **2. The Importance of Historic Preservation to Fernandina Beach**

A historic properties survey and periodic survey updates constitute indispensable steps in a preservation program. The survey provides the historical and architectural data base upon which rational decisions about preservation can be made. Further progress in preserving culturally significant resources in the city will depend on the decisions of local officials and residents. To assist them in deciding what steps they can take, the consultants present the following recommendations, which are based on their assessment of the city and its resources and their familiarity with the current status of historic preservation in Florida and the nation.

Since its earliest manifestations in the mid-nineteenth century, historic preservation has experienced an evolutionary change in definition. In its narrow and traditional sense, the term was applied to the process of saving buildings and sites where great events occurred or buildings whose architectural characteristics were obviously significant. In recent decades, historic preservation has become integrated into community redevelopment programs. The recommendations below are framed in the sense of the latter objective.

Arguments on behalf of a program of historic preservation can be placed in two broad categories:



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(1) aesthetic or social; and (2) economic. The aesthetic argument has generally been associated with the early period of the historic preservation movement that is, preserving sites of exceptional merit. Early legislation protecting historic resources included the Antiquities Act of 1906 (Public Law 59-209), which authorized the president to designate historic and natural resources of national significance located on federally owned or controlled lands as national monuments; and the Historic Sites Act of 1935 (Public Law 74-292), which established as national policy the preservation for public use of historic resources by giving the Secretary of the Interior the power to make historic surveys to document, evaluate, acquire, and preserve archaeological and historic sites across the country.

In 1966, the Congress created the National Historic Preservation Act, in part, to extend this early legislation and definitions to include sites or districts of local as well as national distinction for the purpose of maintaining a federal listing of historic properties by the Keeper of the NRHP. In 1971, President Nixon by Executive Order 11593 directed federal agencies to adopt measures for identifying and nominating properties under their control to the National Register. The order also created a program for the review of federal programs to insure that those agencies would not adversely affect National Register properties and provided for the mitigation of resources that would be adversely affected. Various other acts and amendments in 1966, 1974, and 1980 strengthened the protection of historic and archaeological resources. Tax credits became available with revisions to the U. S. Tax Code in 1976, 1978, 1980, 1981, and 1986, which provided incentives for the rehabilitation of historic buildings for income-producing purposes. In this process, there was, concomitantly, a growing appreciation of the importance of districts that expressed architectural or historic value. Although no single building in a district may be significant, together those buildings create a harmonious scene. It is often necessary to preserve the individual elements to maintain the harmony of all.

One reason to preserve historic buildings is to convey a sense of place. Older buildings lend distinction to a city, setting it apart from newer neighborhoods and commercial centers. The ritual destruction of older buildings that has normally accompanied twentieth century urban renewal programs often resulted in the loss of a city's identity. In a modern era of franchised architecture, many areas of Florida have become indistinguishable one from another. The loss of familiar surroundings disrupts the sense of continuity in community life and contributes to feelings of personal and social disorder. The historic buildings associated with Fernandina Beach developed a distinctive and familiar character over a long period of time and that is sufficient reason for their preservation.

A second argument used on behalf of historic preservation is economic. Ours is a profit-oriented society and the conservation of older buildings is often financially feasible and economically advantageous. Current federal tax law contains specific features that relate to the rehabilitation of eligible commercial and income-producing buildings located in a local certified historic district, or a historic district or individual building listed in the NRHP.

Beyond pure aesthetic and commercial value, there are additional benefits to reusing older buildings. First, historic buildings frequently contain materials that cannot be obtained in the present market. The materials and craftsmanship that went into their construction generally cannot



be duplicated. Historic buildings typically have thicker walls, windows that open, higher ceilings and other amenities not always found in modern buildings. Some older buildings are natural energy savers, having been designed in the pre-air conditioning era. From an economic standpoint, the rehabilitation of older buildings is a labor-intensive activity that contributes to a community's employment base. Preservation tends to spur construction activity, for once a few owners rehabilitate their dwellings or commercial buildings, others often follow suit.

Historic buildings and districts attract tourists. Studies by the National Trust for Historic Preservation and *Southern Living* confirm that historic buildings rank very high in tourist appeal among Americans. Tours of historic homes sponsored by historical societies and social organizations often draw hundreds of patrons, and generate thousands of dollars in revenue, which are often used to educate the public about the history of a city and the benefits of preservation. In northeast Florida, annual celebrations at Fernandina Beach, Daytona Beach, Jacksonville, and St. Augustine, and a well-developed golf industry help ensure visitation to the region.

Previous heritage tourism studies in Florida have examined the direct economic impact of historic preservation, and concluded that for every \$1.00 awarded in Florida's historic preservation grants, \$2.00 return to the state in direct revenues. On a state level, the total annual revenues from private investment, brick and mortar, and heritage tourism yield over \$4,000,000,000 ([http://dhr.dos.state.fl.us/print/FloridasCommitment\\_print.html](http://dhr.dos.state.fl.us/print/FloridasCommitment_print.html)). According to the American Automobile Association (AAA), vacationers who travel by car come to the Southeast more than any other region in the nation. These visitors become highly significant to the local economy of Fernandina Beach and Nassau County when one considers the amount of money they pump into local businesses for gasoline, food, and lodging.

Fernandina Beach should continue to develop and implement its heritage tourism initiatives. Heritage tourism represents a sustainable source of revenue for the City with few negative side effects. Currently heritage tourism is the second most profitable activity that any government can support. The development of heritage tourism is also generally less environmentally damaging than other industries.

Heritage tourism, however, does require the preservation and proper management of cultural resources for a number of reasons. First of all, more sites and outdoor interpretive exhibits have to be developed over time, and this cannot occur if the sites are destroyed. These exhibits should be authentic to attract the real long-term interest of the public, and new attractions would have to be occasionally added, much as a museum changes its exhibits. New interpretive technologies, which could not be integrated into the facilities at existing sites, would also require the development of new historic sites. Furthermore, as the interests of the public and scholars shift to a new group or time period, this would precipitate the investigation and development of previously overlooked cultural resources. Unfortunately, none of this can occur if most of the significant cultural resources are allowed to be destroyed. Tourists who are interested in history and heritage will simply have to go somewhere else and they will take their money with them.

In Florida, where tourism is the state's largest industry and cities must compete vigorously for



their share of the market, the preservation of historic resources that give a city distinction cannot be ignored. Historic resources that lend Fernandina Beach its claim to individuality and a unique sense of place ought therefore to have a high civic priority. Millions of tourists pour into central Florida's theme parks and St. Augustine annually, but relatively few seek places outside those areas. Tourists seek out destinations that are often off the beaten track and impart special memories. Looking for places that possess originality, tourists are often lured to a historic landscape or district, which conveys a sense of place. The continuing destruction throughout Florida of buildings and other historic and cultural resources that give cities in which they are found individuality goes largely ignored. In the process, Florida has begun to acquire a dull sameness.

Any effort at preserving the overall historic character of Fernandina Beach will fail if elected officials and property owners do not cooperate in taking active measures to prevent the purposeless or insensitive destruction of historic buildings. Federal and state officials have no authority to undertake a local historic preservation program. Federal authority is strictly limited to federal properties, or to projects requiring federal licenses or the use of federal funds. Under no circumstances can federal or state governments forbid or restrict a private owner from destroying or altering a historic property when federal or state funds are not involved. Since in Florida most zoning and code regulations of private property are vested in municipal governments, specific restrictions or controls designed to preserve significant resources are their responsibility.

It also must be noted that historic preservation does **not** seek to block or discourage change. Preservation does seek to reduce the impact of change on existing cultural resources and to direct changes in a way that will enhance the traditional and historic character of an area. For historic preservation efforts to succeed, the efforts must promote economic development that is sympathetic to the existing built environment.

### **3. Fernandina Beach's Preservation Past**

The City of Fernandina Beach has a long historic preservation past that extends into the 1970s. Some of the impetus for preservation came from the destruction of the Samuel Swann House and the Keystone Hotel, landmarks on Centre Street. The deterioration and abandonment of other commercial buildings along the central corridor spurred the Chamber of Commerce to study spending and investment trends in the city. Various organizations contributed to the preservation movement in the 1970s, including the chamber's historical restoration committee, the Amelia Island-Fernandina Restoration Foundation, the Amelia Island Company, and the City of Fernandina Beach. The architectural firm of F. Eugene Smith drafted a master plan of Centre Street. The City budgeted \$1,300,000.00 for the improvements and encouraged building owners to rehabilitate their properties. In the early 1970s, a windshield survey undertaken by the predecessor agency to the Bureau of Historic Preservation documented several resources on Florida Master Site File forms. As a follow up to that activity, the Bailey House, Fairbanks House, and Lewis House and the Fernandina Beach Historic District containing all or parts of thirty-one blocks were listed in the National Register in 1973. The previous year, Fort Clinch had been listed in the National Register, the first property in Nassau County to achieve that distinction. In 1974, several buildings (depot, First Presbyterian Church, Lewis House, and St. Peter's Episcopal Church) were



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documented through the Historic American Building Survey (HABS) with the resulting architectural plans, photographs, and histories accessioned in the Library of Congress. More National Register listings following in 1983 with the Merrick-Simmons House, the Palmer House in 1986. In 1985, through the impetus of the Amelia Island-Fernandina Restoration Foundation and a grant from the Bureau of Historic Preservation, a more comprehensive survey was conducted of Fernandina Beach. The boundaries of the survey were, roughly, the Amelia River, 14<sup>th</sup> Street, Franklin Street, and Hickory Street, and also included Old Town Fernandina farther north. Using a cut-off date of 1927, the survey inventoried 483 resources. The project also yielded an amended Fernandina Beach Historic District National Register Nomination. Listed in the National Register in 1987, the district was extended to cover all or parts of fifty-five blocks, most of which was on the north end of the historic district. As a final phase of the project, the Original Old Town of Fernandina Historic Site was listed in the National Register in 1990. Elsewhere in Nassau County and Fernandina Beach, several buildings and a historic district in American Beach were listed in the National Register between 1998 and 2002 and the Amelia Island Lighthouse was listed in the National Register in 2003. In terms of local ordinances, the Historic District Council was established around 1974, via Ordinance 509. Other local ordinances that deal with historic preservation include Ordinance 526, 749, 846, 951-12, 95-19, and 97-24. The most recent design guidelines were adopted on 1 October 2006 via ordinance 2006-14.

As part of the current survey, the consultants conducted intensive research on several buildings, including the Amelia Island Museum of History. Previously recorded in the FMSF in 1985 but largely undocumented, the building originally served as the Nassau County Jail. Part of a long oral tradition, many stories suggested the jail had evolved over time as a one-story nineteenth century jail added onto in several stages. In conducting extensive research at the Nassau County Clerk of Court's Office, Bland & Associates, Inc. found official documents identifying the demolition of the nineteenth century jail and completion of the new jail in 1938 with an addition constructed in 1954. Architects and builders were identified for both phases of construction. Previously submitted by the Museum staff and reviewed by Bob Jones of the Bureau of Historic Preservation's National Register Section, a National Register Nomination for the historic jail is in the process of being rewritten and revised by Bland & Associates, Inc. in concert with Carmen Godwin, Director of the Museum and Bob Jones at the Bureau of Historic Preservation, to reflect the accurate history of the New Deal era resource.

As with any survey and human endeavor, mistakes were made as part of the 1985 survey. Some buildings were inventoried twice with individual buildings receiving two FMSF numbers. In other cases, a 1970s FMSF form entry was overlooked in 1985 and a new FMSF number was created for the same resource. In still other cases, historic buildings were entirely missed. Consequently, the current survey was intended to update previously recorded resources, reconcile FMSF form conflicts and duplicates, ensure proper addresses, identify buildings that have been destroyed since 1985, and record buildings not previously surveyed, that is, post-1927 resources, but now have achieved significance for recording in the FMSF. During the current survey, it was found that over sixty buildings have been destroyed in the survey area since 1985, many of those in the historic district.

The following recommendations provide a reference tool for promoting further historic



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preservation in Fernandina Beach, but should neither be construed as definitive, nor as a substitute for a rational plan of community development that is sympathetic to the city's past. Below are the consultant's specific recommendations for preservation action and public policy development.

#### **4. National Register of Historic Places**

The National Register of Historic Places (NRHP) is an official listing of properties throughout the country that reflect the prehistoric occupation and historic development of our nation, states, and local communities. The NRHP is maintained by the National Park Service (NPS) under the Secretary of the Interior. Affording owners of listed properties with recognition at the national level, the National Register is used primarily as a planning tool in making decisions concerning the development of our communities to ensure, as much as possible, the preservation of buildings, sites, structures, and objects that are significant aspects of our cultural and historic heritage.

Sometimes there are misunderstandings as to what listing in the NRHP will mean for a property owner. Derived from the Bureau of Historic Preservation's website, the following is an outline of what it will do and what it will not do:

#### **WILL DO**

The NRHP provides recognition that the property is deemed by the federal and state governments to be significant in our history at the national, state, and/or local levels. Most properties are significant because of their local significance. The NRHP identifies the properties that local, state, and federal planners should carefully consider when developing projects. Projects involving federal funding, permitting, licensing, or assistance and that may result in damage or loss of the historic values of a property that is listed in the NRHP or is eligible for listing are reviewed by the State Historic Preservation Office and the federal Advisory Council on Historic Preservation. A similar review takes place under state law for state or state-assisted undertakings. A typical example of projects that are given such review is road construction or improvement. For more information, call the Compliance Review Section of the Florida Bureau of Historic Preservation at (850) 245-6333 ([www.flheritage.com/preservation/registration/nr/results.cfm](http://www.flheritage.com/preservation/registration/nr/results.cfm)).

Listing may make a property eligible for a Federal Income Tax Credit. If a registered property that is income producing undergoes a substantial rehabilitation carried out according to the Secretary of the Interior's Standards for Rehabilitation, the owner may apply for a 20% income tax credit. The credit amounts to 20% of the cost of the rehabilitation. Listing may make a property exempt from certain Federal Emergency Management Act (FEMA) requirements and eligible for some American Disabilities Act (ADA) and building safety code adjustments. For more information, contact the Architectural Preservation Services Section of the Florida Historic Preservation at (850) 245-6333.

In 1992, the Florida Legislature passed legislation that allows counties or cities to grant ad



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valorem tax relief for owners of properties that are listed or eligible for listing in the National Register or in a local district. When a property is improved its value is increased and the assessment is raised accordingly. The ad valorem tax legislation provides that the increase in assessed value of the improved property will be exempted for up to 10 years from taxation for those portions of the tax bill affected by Local Option County or municipal exemption ordinances. This provision is available for both income and non-income producing properties. Contact your local property appraiser to see if this provision is available.

Listing or being determined eligible for listing is not required for receiving state preservation grants. The competition for the grants is intense, however, and this official recognition adds weight to the argument that a property is significant and should be awarded a grant. For more information, call the Grants and Education Section of the Bureau of Historic Preservation at (850) 245-6333.

### **WILL NOT DO**

Listing in the National Register or being determined eligible for listing does not automatically preserve a building, and does not keep a property from being modified or even destroyed. Unless an undertaking is state or federally funded, or regulated by local ordinance, private property owners may deal with their property in any way they see fit. Historic Preservation architects are available to provide advice concerning the best ways to approach rehabilitation needs while maintaining the historic character of a property. For more information, call the Architectural Preservation Services Section at (850) 245-6333. Private owners are not required to open their listed property to the public for visitation. The federal and state governments will not attach restrictive covenants to a property or seek to acquire it because of its listing in the NRHP ([www.flheritage.com/preservation/registration/nr/results.cfm](http://www.flheritage.com/preservation/registration/nr/results.cfm)).

The City of Fernandina Beach, staff at the Amelia Island Museum of History, and the local Chamber of Commerce should encourage property owners to list their properties in the NRHP. This process can be simplified by using a Multiple Property Submission (MPS) format. A MPS is organized into three sections: historical contexts, geographical area, and property types. The document facilitates the preparation of later NRHP proposals by eliminating the need for developing historical and architectural contexts. Subsequent NRHP Nomination Proposals would only require specific information regarding an individual resource and not the associated historic or architectural contexts. The preparation of the MPS represents a crucial step to encourage future NRHP listings.

The criteria for evaluating buildings, districts, objects, sites, and structures for NRHP listing that may possess significance in American history, architecture, archaeology, engineering, and/or culture if they possess integrity of location, design, setting, materials, workmanship, feeling, and association are: (A) are associated with events that have made a significant contribution to the broad patterns of our history; and/or (B) are associated with the lives of persons significant in our past; and/or (C) embody the distinctive characteristics of type, period, or method of construction,



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or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or (D) have yielded, or may be likely to yield, information important in prehistory or history.

Listing historic districts in the National Register is an important tool for recognizing and preserving historic downtowns and residential neighborhoods. The City of Fernandina Beach has been through this process twice, once in 1973 and again in 1987. The results of this survey indicate that with the second National Register listing the boundaries of the historic district reached the limits of the historic built fabric for the formation of a historic district. The current survey also confirms that some buildings within the historic district have been demolished since the 1985 survey. **We recommend that the National Register District Nomination, as it currently stands, and with its current boundaries, not be further amended.**

A careful review and survey of the built fabric and historic-period buildings adjacent to and outside the present historic district boundaries reveals a significant amount of alteration and modification to most historic-period buildings. Fernandina Beach's historic-period buildings in the African-American neighborhood have been especially damaged by the trends of alteration, additions, demolition, and new construction to the extent that insufficient integrity and numbers of historic buildings remain standing for the expansion of the 1987 historic district into the neighborhood, or even for the creation of a separate historic district. Integrity concerns associated with these buildings consist of replacement synthetic sidings placed over the original exterior wall fabrics; windows changes that alter the original size and number of windows and the depth of reveal of those openings, especially on the front façades; porches enclosed using materials not sympathetic to the original historical materials; and additions that compromise the historic integrity, design, and plan of those buildings. **Instead, it is recommended that several individual buildings in the historic African-American neighborhood of Fernandina Beach be listed individually in the National Register, and that restoration and preservation initiatives be instituted at some of the deteriorating structures.** Subsequent recommendations itemize those resources. **It is also recommended that the African-American neighborhood be considered for local designation as a district or conservation area, that a voluntary historic plaque program be initiated, and that local residents be polled as to what they would like to see occur within their own neighborhood.**

The consultant estimates that the time and resources necessary to further amend the Fernandina Beach Historic District, essentially to include several post-1927 buildings in the historic district and to remove the buildings that have been destroyed since 1985, will yield few practical results and will produce a diminution in the boundaries of the historic district. It is recommended to the Historic District Council to leave intact the present historic district boundaries and use the information in the FMSF forms and the inventory of resources surveyed as part of this survey to update the inventory of contributing resources in the historic district. **It is also recommended that instead of amending the historic district, the Historic District Council use those human and financial resources toward (1) the preparation of a Multiple Property Submission (MPS); (2) produce more individual National Register listings, especially in the African-American community; (3) develop more markers and a guide book; and (4) survey the remainder of the municipal limits of Fernandina Beach.**



A follow-up survey to inventory Fernandina Beach's remaining historic buildings should anticipate recording approximately 1,500 buildings. This figure is derived from the 1960 Census Bureau's Housing Census. The document reveals that 2,473 housing units were located in Fernandina Beach in 1960. Estimating a destruction rate from fire, deterioration, and demolition of approximately 15% of those housing units since 1960 and subtracting the 400 dwellings recorded in the current survey yields an estimated 1,500 resources. Of course, this figure does not account for any undocumented commercial or public buildings, but relatively few of those are anticipated. The 1960 census bureau document reveals that 385 of the 2,473 housing units were built between 1955 and 1960. Using the latter date as the cut-off date for survey, the subsequent survey may reveal another historic district.

**A number of buildings that stand outside the boundaries of the Fernandina Beach Historic District appear to be potentially eligible for individual listing in the National Register; we recommend that these structures be subjected to formal listing with individual NRHP nominations.** In contrast to historic districts, specific requirements apply to individual buildings proposed for listing in the National Register. Those requirements include property owner consent, the preparation of site and floor plans, and interior photographs of the property. Upon further review and inspection, it may be found that some of the buildings recommended below are not eligible, in part, because of alterations or additions not apparent from the rights-of-way. As part of initiating any NRHP activity, municipal officials and staff and members of the Historic District Council should consult with property owners, hold public meetings about the process, and suggest that property owner contact staff members at the National Register section of the Bureau of Historic Preservation. Undoubtedly, the most compelling reason for the owners of the churches and schools listed below to seek National Register listing is the gain leverage in the search for grant assistance to rehabilitate and restore these historic buildings. Individual buildings that appear to possess potential for listing in Fernandina Beach in the NRHP include:

**8NA628 (RN 188)** Historic Mount Calvary Baptist Church at 905 Broome Street. The property appears to be potentially eligible at the local level under Criterion A for Black Ethnic Heritage and Religion and Criterion C for Architecture.

**8NA1146 (RN 219); 8NA702 (RN 220); and 8NA1147 (RN 221)** Historic Public School No. 1 at 1201 Atlantic Avenue. The property appears to be potentially eligible at the local level under Criterion A for Education and Criterion C for Architecture.

**8NA1148 (RN 222)** Historic American Legion Hall at 12 South 11<sup>th</sup> Street. The property appears to be potentially eligible at the local level under Criterion A for Entertainment, Recreation, and Social History and Criterion C for Architecture.

**8NA521 (RN 254)** Historic Macedonia A.M.E. Church at 202 South 9<sup>th</sup> Street. The property appears to be potentially eligible at the local level under Criterion A for Black Ethnic Heritage and Religion and Criterion C for Architecture.



**8NA1176, 8NA1177, 8NA1178, 8NA1179, 8NA1180 (RN 295-299)** Atlantic Elementary School at 1205 Atlantic Avenue. The property appears to be potentially eligible at the local level under Criterion A for Education and Criterion C for Architecture.

**8NA1184 (RN 305)** at 201 North Front Street. The property appears to be potentially eligible at the local level under Criterion A for Commerce and Criterion C for Architecture.

**8NA287 (RN 440)** Amelia Island Museum of History/historic Nassau County Jail at 233 South 3<sup>rd</sup> Street. The property appears to be potentially eligible at the local level under Criterion A for Politics/Government and Social History and Criterion C for Architecture.

**8NA132 (RN 489) and 8NA1221 (RN 512)** at 516 South 10<sup>th</sup> Street. The property appears to be potentially eligible at the local level under Criterion A for Black Ethnic Heritage and Education and Criterion C for Architecture.

**8NA605 (RN 502)** at 1114 Beech Street. The property appears to be potentially eligible at the local level under Criterion A for Black Ethnic Heritage and Criterion C for Architecture.

**8NA575 (RN 513)** at 210 South 13<sup>th</sup> Street. The property appears to be potentially eligible at the local level under Criterion A for Black Ethnic Heritage and Criterion C for Architecture.

## **5. Local Recognition and Historic Preservation Ordinances**

Although National Register listing represents an important step in the recognition of historic resources, the most effective legal tool available for the protection of historic resources is the local historic preservation ordinance. Hundreds of communities throughout the nation have in recent years adopted historic preservation ordinances, contributing to the development of a sizeable body of legal precedent for such instruments. The exercise of governmental controls over land use is essentially the prerogative of local government and accordingly the protection of historic resources must rely upon local municipal enforcement. In Florida, the home-rule law permits local government to exercise such authority. Through the review and permitting processes, elected officials and staff can exercise some degree of authority in the protection of historic resources. Amendments enacted in 1980 to the National Historic Preservation Act encourage local governments to strengthen their legislation for the designation and protection of historic properties.

To be successful in encouraging additional historic preservation activity and protective measures in Fernandina Beach, residents, property owners, and elected officials should become aware of the benefits associated with historic preservation. Hundreds of cities throughout the United States have enacted historic preservation ordinances and many municipal governments in Florida use those protective measures to recognize and protect historic areas, plan for future growth, and delay the demolition of historic resources before they are destroyed for new buildings, parking lots, or commercial properties. Although all preservation ordinances are similar in their statements of purpose, that is, they seek to recognize and protect historic resources, in practice they vary greatly in detail and scope. Some ordinances protect an entire property, that is, exterior and interior features, closely regulating additions, alterations, paint, associated outbuildings, and even fences.



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Other ordinances only protect exterior features, often without regard to paint and even permit minor alterations or additions. Model ordinances are available through the National Trust for Historic Preservation, the Bureau of Historic Preservation, and numerous municipal governments throughout Florida.

In 1995, as part of Chapter 114 of its Municipal Code, the City of Fernandina Beach enacted a historic preservation ordinance, which provides for a Historic District Council, historic district boundaries, and the designation of historic landmarks, sites, or districts. The activities of the Historic District Council are coordinated by staff member Kevin Sullivan in the City's Planning Department. Serving three-year terms, current council members consist of Joseph Waas, chairperson; Jennifer Cascone, vice chairperson; and members Thomas Duffy, Julia Starr Sanford, and Suanne Thamm. The Council reviews Certificates of Appropriateness for alterations and additions to buildings in the local historic district and applications for demolition and construction within the historic district.

Ordinances such as the legal instrument enacted by the City of Fernandina Beach includes standard features that have through experience proved useful in the preservation process and legally acceptable. Enacted through Chapter 114 of the city's municipal code, the historic preservation ordinance has definitions; purpose; district boundaries; certificates of appropriateness; applications for demolition; maintenance of historic landmarks, historic sites, and properties in historic districts; enforcement, penalties, and appeals; and tax assessment of qualified historic properties.

In an urban context such as found in Fernandina Beach where the historic infrastructure is predominantly suburban, residential, and privately owned, the historic preservation ordinance, combined with intelligent zoning, is virtually the only instrument available to government for protecting significant architectural resources. Fernandina Beach's municipal authorities and property owners should continue to rely on its Historic District Council to review applications for alteration, demolition, and new construction within the boundaries of the local historic district. The Council, elected officials, and city staff should continue to inform the public about the ultimate purpose and value of historic preservation. The historic preservation ordinance is not an arbitrary and capricious exercise of municipal authority, but a necessary tool to preserve the region's cultural and architectural heritage and promote economic development in concert with the rehabilitation and restoration of historic buildings, thereby increasing economic value.

Historic preservation promotes economic development and creates jobs. The vast majority of officially-recognized individual historic buildings and those within historic districts have greater appreciation in value than those without it. The ultimate fate of Fernandina Beach's remaining historic buildings should be carefully considered. **The City's historic preservation ordinance and Council should encourage public debate about future plans for the appearance of buildings and the cultural landscape at Fernandina Beach.**

In Chapter 114.5(e) (3)-(5), Fernandina Beach's historic preservation ordinance includes a set of standards to apply in reviewing architectural changes to individual landmarks and buildings within designated historic districts. Design guidelines are recommendations for the changes to the visual



qualities in specific historic districts and individual buildings. Such guidelines should be developed, in part, using the U. S. Department of the Interior's *Standards For Historic Preservation Projects with Guidelines for Applying the Standards* and, in part, through community participation. The Historic District Council may benefit from reviewing its design guidelines. A set of statewide guidelines is available from the Bureau of Historic Preservation. These documents offer models to update Fernandina Beach's design guidelines. Notwithstanding these models, the design guidelines adopted should be based on consensus definitions determined by public meetings with property owners, residents, elected officials, and municipal staff of the unique features for specific buildings and historic districts in Fernandina Beach. Enforcement of these guidelines will also be necessary.

## 6. Further Historic Preservation Actions

**In order to preserve the historic buildings that remain in Fernandina Beach it is critical that the city and Historic District Council promote preservation.** Without property owner and municipal support any preservation program will be hampered and delayed, or even doomed to fail. Physical changes made under the auspices of public agencies and departments, or by private property owners, should not compromise the historic integrity of buildings. In addition, a review of physical features, including street lights, utility poles, and street signs, should be pursued to insure their compatibility with the city's historic resources. The general rule for evaluating these types of features is that they should be as unobtrusive as possible.

Signs, commercial and public, constitute some of the most disruptive visual elements on the modern urban landscape. A commercial necessity and an aid to shoppers and visitors, signs should not be permitted to disrupt the landscape or diminish the integrity of surrounding architectural elements. Typically, modern signs within a historic district are pedestrian orientated, moderately sized, not illuminated or outlined with neon or similar lighting, and have no flashing or moving parts or changeable copy. Sign regulations for the historic district in Fernandina Beach are located in Chapter 118-72 of the municipal code. Properly fabricated and installed, signs can be visually pleasing and architecturally harmonious with surrounding elements. **Signage, advertising, and other promotional devices draw attention to historic buildings, and we recommend their installation. They should be erected to indicate historic sites and buildings, and be periodically updated along Atlantic Avenue, Centre Street, and 8<sup>th</sup> Street to direct visitors to Fernandina Beach's historic areas.**

**Markers identifying historical events and historic places are another tool that contributes to historic preservation education programs. Once the city identifies and recognizes historic buildings and districts, we recommend that markers be installed in order to educate the public about these resources.** The markers should share a common design and appearance that the public associates with a historic place. Typically, markers appear in the form of bronze or composite signs with a standardized, but distinctive shape employed by the Florida Department of State. A narrative describes a historical event that occurred in the vicinity, or calls attention to a building or other object of historical or architectural interest. These markers, implemented in conjunction with the Bureau of Historic Preservation, which offers grant assistance for these projects, already identify significant historical buildings and events at specific historic sites in



Fernandina Beach, such as the Fairbanks House, First Presbyterian Church, Lesesne House, Memorial United Methodist Church, and New Zion Baptist Church, among others. **Appropriate sites for additional markers may include the site of the Amelia Island Museum of History, the David Levy Yulee House Site, New Zion Baptist Church, the historic Macedonia A.M.E. Church, Peck High School, Public School No. 1 and the adjoining Atlantic Elementary School, St. Joseph's Convent and School, and various African-American churches.** For any proposed site, additional research should be conducted to confirm the most accurate and appropriate narrative and location. Matching funds from the Bureau of Historic Preservation are available for markers that identify the city's heritage and historic districts and buildings.

The Florida Historical Marker Program, as maintained by DHR, is an excellent and affordable means by which individuals and local communities may recognize historic sites in Florida ([www.flheritage.com/preservation/markers](http://www.flheritage.com/preservation/markers)). It is affordable because when funds are available, state and local governmental agencies and nonprofit organizations may apply for matching grants to defray half the cost of markers and plaques. This 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. Sites that have been recognized by these historical markers include historic buildings, battlefields, churches, roads, and places associated with significant persons. The Division of Historical Resources (DHR) has very detailed eligibility requirements and application and review procedures for the marker program. The exact, detailed, requirements for a resource to be considered either a Florida Heritage Site or a Florida Heritage Landmark are listed below ([www.flheritage.com/preservation/markers](http://www.flheritage.com/preservation/markers)).

For a cultural resource to qualify as a Florida Heritage Site:

- 1) a building, structure or site must be at least 30 years old and have significance in the areas of architecture, archaeology, Florida history or traditional culture, or be associated with a significant event that took place at least 30 years ago;
- 2) resources associated with a historically significant person may qualify as a Florida Heritage Site 30 years after the death of the individual or 30 years after the event with which the person is associated ([www.flheritage.com/preservation/markers](http://www.flheritage.com/preservation/markers));
- 3) the resource should visibly retain those physical characteristics that were present during the period for which it or the associated person is significant;
- 4) a moved building or structure may qualify as a Florida Heritage Site if the move was made 30 or more years ago, or the move was made to preserve the resource from demolition and reasonable attempts were made to ensure that the new setting is similar to the historical setting.

For a cultural resource to qualify as a Florida Heritage Landmark:

- 1) a building, structure or site must be at least 50 years old and have regional or statewide significance in the areas of architecture, archaeology, Florida history or traditional culture, or be associated with an event of statewide or national significance that took place at least 50 years ago ([www.flheritage.com/preservation/markers](http://www.flheritage.com/preservation/markers));
- 2) resources associated with persons of regional or statewide historical significance may be recognized with Florida Heritage Landmark status 50 after the death of the individual or 50 years



after the historical event with which the person is associated.

3) in certain cases, resources that are less than 50 years old but are significant at the statewide or national level also may qualify as a Florida Heritage Landmark;

4) the resource should visibly retain those physical characteristics that were present during the period for which it or the associated person is significant. A moved building or structure may still qualify as a Florida Heritage Landmark if the move was made 50 or more years ago, or the move was made to preserve the resource from demolition and reasonable attempts were made to ensure that the new setting is similar to the historical setting.

Similar in nature to a marker program, a building plaque program identifies dates of construction and other historical information pertaining to the City's historic buildings. In concert with the Amelia Island Museum of History, the City can continue a plaque program already initiated in Fernandina Beach. Already many historic buildings display oval plates identifying the date of the construction of the resource. Historic building plaques attached to the façades of dwellings and other buildings can heighten the awareness of residents and visitors about the region's heritage. Various companies offer relatively inexpensive plaques and can be found in magazines such as *Architectural Digest*, *Old-House Journal*, and the National Trust's *Preservation News*. Plaque programs offer a good device for accomplishing a program of education. In sponsoring a plaque program, the city would be well advised to establish written and well defined criteria to govern the awards. The awards should, moreover, be made by a qualified jury or awards committee associated with or derived from the Historic District Council acting upon the established criteria. In the absence of such steps, the awards will become meaningless or, worse, controversial and possibly injure the preservation effort in Fernandina Beach.

**The City may also want to consider awarding certificates of merit and achievement to the owners of historic buildings who have met specific criteria for rehabilitation.** Awards of this kind are often employed to encourage preservation by recognizing outstanding efforts by property owners, as well as to identify important sites and buildings. Effective preservation programs depend on the determination of property owners to maintain the historic character of their buildings. This can be promoted through tax credits, tax abatements, streetscape improvements to enhance civic pride, and by educating property owners about the significance and historic value of the buildings they own.

Fernandina Beach participated in the Great Floridians 2000 Program sponsored by the Florida Department of State and Florida League of Cities. Twelve of the City's distinguished personalities were honored with commemorative plaques—Liberty Billings, Emma B. Delaney, George R. Fairbanks, Louis G. Hirth, Amos Latham, Chloe Merrick, William H. Peck, Solicito Salvador, Sisters of St. Joseph, Samuel A. Swann, Marcellus A. Williams, and David Levy Yulee. Property owners, residents, and elected officials are encouraged to participate in the Great Floridian Program, which is presented annually in recognition of the outstanding achievements of men and women who have made significant contributions to the progress and welfare of this state. Under Florida Statute 267.0731, an ad hoc committee, comprised of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Historical Resources, meets to nominate citizens for designation as a Great Floridian. Following that, the Secretary of State selects no



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fewer than two nominees to be officially named a Great Floridian. Since the program began, thirty-two persons have been designated Great Floridians. Unlike the Program, which was completed in 2000 and only recognized deceased personalities, the current Great Floridian Program may designate either living or deceased individuals.

Publications are important tools for educating property owners and visitors of the history of the region and the benefits of historic preservation. Published works, such as, *Jacksonville's Architectural Heritage*, (1989, revised 1996) provide a sampling of a coffee-table book about a region's historic resources. **Building upon this report and the accompanying FMSF forms, the City in concert with the Amelia Island Museum of History should consider publishing a historical and architectural guidebook of Fernandina Beach.** The publication should include a brief history, photographs of significant buildings that still stand and lost landmarks, maps, biographical sketches of people who contributed to the development of the city and other themes that could also be briefly, but appropriately addressed in a well-designed and written coffee-table book. This type of publication will inform residents and visitors about the city's heritage and can take advantage of Florida's heritage tourism market, an important growth industry in the state. This market has only begun to tap Florida's picturesque and historic buildings, districts, and landscapes, which should be emphasized by historical societies, cultural institutions, and municipal governments. **Another useful public education tool, a visitor's guide is a relatively small and inexpensive book or even pamphlet that describes and depicts the historic buildings and places in Fernandina Beach; we recommend that such a pamphlet be considered by the City.** Civic organizations and municipal governments in Lake Wales, Melbourne, Orlando, Port Orange, St. Augustine, and Sebring have benefited from guidebooks of fewer than 100 pages. Such a publication may help spark additional interest in historic preservation and revitalization of historic buildings and dwellings. Grants are available through the Florida Department of State to offset some of the costs required to publish those materials.

Current state law requires all units of local government to adopt a comprehensive plan that provides guidelines for land use decisions. Under the present law, a historic preservation and scenic element is permitted as an optional element in the comprehensive plan. The element should identify historic and cultural resources and prescribe policies for managing them. As a part of a comprehensive plan, an effective preservation element integrates plans to preserve and enhance historic resources with plans designed to improve and manage other community elements, such as housing, transportation, and utilities. The majority of decisions or actions taken by governments, developers, and residents about a city's physical character affect historic resources. If the historic fabric of a city is to be guarded, those resources must be taken into consideration in the planning process. The plan should encourage public agencies that make decisions or take actions affecting buildings, streets, and physical appurtenances such as lighting and signs to consider preservation goals and policies. A city that uses its comprehensive plan wisely can make optimal use of its land use regulation authority to protect and enhance its historic and cultural resources. The completion of this survey facilitates the updating of a historic preservation element and significantly reduces its cost. Furthermore, grants are available for this purpose through the Florida Department of State. The Florida Department of Community Affairs also issues grant funds for that purpose.

By ordinance, the City of Fernandina Beach has adopted the 2004 Florida Existing Building Code



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to govern the physical specifications for historic buildings. Modern code requirements relating to such elements as exterior wall siding, plumbing, electrical, air conditioning, access, insulation, and material type (particularly roofing material) may jeopardize the architectural integrity of a qualified historic building that is undergoing rehabilitation. Chapter 10, Section 1003.1 of the code specifies that the "...historic preservation goal of this code shall be to minimize damage to and loss of historic structures, their unique characteristics and their contents as follows.

1. Maintain and preserve original space configurations of historic buildings.
2. Minimize alteration, destruction or loss of historic fabric or design."

Elsewhere in the chapter, the 2004 code stipulates that "Removal or alteration of any historic material or distinctive architectural features shall be minimized" (Section 1003.2).

It is important to note that exceptions under the code are granted only to those buildings designated under federal, state, or local jurisdiction as "historic," which commonly is interpreted as properties listed in the National Register, contributing resources in a National Register Historic District, resources determined eligible for listing or contributing to a historic district by the State Historic Preservation Officer (SHPO), or recognized by a local historic preservation ordinance. **Through their respective building codes and historic preservation ordinances, we recommend that the municipal government should encourage the occupancy and use of historic buildings, and discourage their replacement, demolition, neglect, or radical alteration.**

The introduction of unharmonious elements within a historic setting may destroy the integrity of a historic resource. Historic architectural controls are merely a special kind of zoning and should be considered a reasonable regulation of property applied in the interest of a city. Zoning is the most common historic preservation tool and one that presents significant dangers to historic resources if it is wrongfully applied.

The conversion of residential buildings into professional office space, or the introduction of commercial buildings into a residential neighborhood often leads to a change in the character of a neighborhood, or even its eventual demise. The harmful effects of re-zoning residential neighborhoods for office use become painfully apparent when multiple properties are leased or sold rapidly, or buildings lie vacant for indefinite periods of time. Eventually, historic buildings can become so modified that they retain little of the architectural integrity they once displayed. The adaptation of numerous dwellings into offices can eventually compromise the historic character of an entire neighborhood. Sensitive zoning restricts land use and can effectively preserve the fabric and character of historic districts and buildings.

## **7. Private and Voluntary Financial and Legal Techniques**

A variety of legal and financial incentives and instruments are available for use by governments and citizens to assist in preservation efforts. Some are already provided through federal or state law or regulations; others must be adopted by a local government. In most cases, the instruments that local government and residents can employ in the preservation process are familiar devices in real estate and tax law.



Voluntary preservation and conservation agreements represent the middle ground between the maximum protection afforded by outright public ownership of historical or environmentally significant lands and the sometimes minimal protection gained by government land use regulation. For properties that are unprotected by government land use regulation, a voluntary preservation agreement may be the only preservation technique available. For other properties, government regulation provides a foundation of protection. The private preservation agreement reinforces the protection provided under a local ordinance or other land use regulation.

Voluntary preservation agreements have been used for decades to protect property for private, public, and quasi-public purposes. Before the advent of zoning, many of the covenants and development restrictions used in modern condominium or subdivision declarations were used to address such fundamental zoning concerns as commercial and industrial uses of property or even the sale of alcoholic beverages and other illicit purposes. With the advent of the "scenic highway movement" of the 1930s, easements were used to protect views along highways such as the Blue Ridge Parkway, the George Washington Memorial Parkway, and the Great River Road along the Mississippi River. In Holly Hill, establishing a scenic easement program may help preserve some of the picturesque vistas along the Halifax River and surrounding streetscapes.

Because of federal tax considerations, the charitable gift of a preservation easement is the most commonly used voluntary preservation technique. A preservation easement is a voluntary legal agreement between a property owner or "grantor" and a preservation organization, such as a local non-profit historical society, the National Trust for Historic Preservation, or a unit of government ("holding organization" or "grantee"). The easement results in a restriction placed against the future development of a property. In use as a historic preservation instrument, 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 many 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. Scenic or open space easements are used to preserve archaeological sites. Easements often carry with them tax consequences that can result in the reduction of payments to a county property appraiser for the part of a building or property covered by an easement.

Mutual covenants are agreements among adjacent property owners to subject each participating property owner's land to a common system of property maintenance and regulation. Typically, such covenants regulate broad categories of activity, such as new construction with view sheds, clear cutting of trees or other major topographical changes, subdivision of open spaces, and major land use changes. Such control is critical in historic areas that involve substantial amounts of open space, where development of the land would irreversibly damage the historic character of an area.

The purchase of development rights, equivalent to an easement, involves the acquisition of certain rights to a property. The value of the development right is defined as the difference between the property's market value and its useful value. The transfer of development rights is another legal instrument employed to protect historic resources, such as archaeological sites, by permitting the right to develop a property to be transferred to another location, sparing the original property from destruction or alteration.



Charitable gifts have traditionally played an important role in preserving historic properties. Broadly stated, a taxpayer is entitled to a charitable contribution deduction for income, estate and gift tax purposes for the amount of cash or the fair market value of property donated to charity during the taxable year. Familiarity with the income, estate, and gift tax treatment of charitable gifts is essential to understanding the opportunities that are available through use of this device for historic preservation purposes.

A revolving fund, normally administered by a non-profit or governmental unit, establishes a monetary basis on which property can be bought, improved, maintained, and sold. Revolving fund monies are subsequently returned and reused. The funds act to create a new economic and social force in a city.

## **8. Federal Financial Incentives and Programs**

Rehabilitation tax credits are available from the federal government for the expenses incurred in the rehabilitation of an income-producing qualified historic building. The 1986 Tax Reform Act provides for a 20 % credit for certified historic structures and a 10% credit for non-contributing structures built before 1936. Despite some of the severe restrictions placed upon the use of real estate and other forms of tax shelter in the 1986 law, the tax credit increases the attractiveness of old and historic building rehabilitation by virtually eliminating all forms of competing real estate investment, with the exception of the low-income housing tax credit.

The 1986 Act opens new opportunities for the nonprofit organization to become involved in real estate. The Act's extension of the depreciation period for real estate considerably reduces the penalties enacted in the Tax Reform Act of 1984 to discourage taxpayers from entering into long-term leases or partnerships with tax-exempt entities. Those penalties had the effect of hampering partnerships between nonprofit and government agencies and private developers.

In addition, an increasing emphasis on "economic" incentives, rather than tax-driven benefits, that is a result of the 1986 Act's limitations on the use of tax shelter and the 10 percent set-aside for nonprofit sponsors under the new low-income housing tax credit, ensures that tax-exempt organizations will participate increasingly in rehabilitation projects. The legal change has opened new and innovative ownership and tax structuring and financing opportunities for both the development community and nonprofit preservation organizations.

Low-income housing credits, enacted in 1986, provide for special relief for investors in certain low-income housing projects of historic buildings.

The Federal Community Development Block Grant program permits the use of funds distributed as community block grants for historic preservation purposes.

## **9. State Incentives and Programs**

The Florida Legislature has enacted a number of statutes designed to stimulate redevelopment in



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areas defined variously as blighted, slums, or enterprise zones. Since such areas are often rich in older or historic building stock, the statutes provide a major tool for preservation and rehabilitation. State incentives encouraging revitalization of areas defined as enterprise zones include:

The Community Contribution Tax Credit, which 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. The credit allows a corporation or insurance company a 55¢ 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.

Tax increment financing provides for use of the tax upon an increased valuation of an improved property to amortize the cost of the bond issue floated 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. This device is often used in commercial or income-producing neighborhoods.

State and local incentives and programs encouraging revitalization not only of enterprise zones, slums, or blighted areas, but of historic properties in general include the reduced assessment and transfer of development rights provisions listed above and, most notably, Industrial Revenue Bonds.

Amendment 3, enacted by Florida's voters in November 1992, permits units of municipal government to enact legislation that offers short-term property tax abatement to property owners who rehabilitate certified historic buildings. Fernandina Beach's municipal government should enact this legislation to assist qualified property owners to achieve the maximum benefit from the tax abatement. The legislation offers up to a 100% ten-year tax abatement on certified improvements made to a historic property. Property owners of historic buildings in Fernandina Beach should be apprised of the benefits of the legislation model, which is available through the Bureau of Historic Preservation. After the City enacts the provisions of the amendment, they should lobby the elected officials of the County of Nassau to also enact this legislation so that property owners of certified historic buildings can take full advantage of the affects of the amendment.

In Section 114-9 of Fernandina Beach's municipal code, property owners of qualified historic buildings are offered another type of creative tax assessment relief. Authorized by Section 3, Article VII, of the Florida Constitution and the provisions of F.S. § 196.1961, the city has granted provision for an ad valorem tax exemption of 50% of the assessed value for qualifying historic establishments located in the city. In order to qualify, the property must meet the requirements set forth in F.S. § 196.1961. The qualifying historic establishments must be regularly open to the public. "Regularly open to the public" means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of 40 hours per week, 45 weeks per year, or an equivalent of 1,800 hours per year. A fee may be charged to the public; however, it must be comparable with other entrance



fees in the immediate geographic locale. In order to retain the exemption granted herein, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

**Other recommended historic preservation incentives include (1) job creation incentive credits; (2) economic revitalization tax credits; (3) community development corporation support programs; (4) sales tax exemption for building materials used in rehabilitation of real property in enterprise zones; (5) sales tax exemption for electrical energy used in enterprise zones; and (6) credit against sales tax for job creation in enterprise zones.**

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

## **10. Private Actions**

Financial incentives provide the most persuasive argument for historic preservation. Federal tax incentives for historic preservation, which provided a major impetus for rehabilitation of historic buildings in the early-1980s, experienced changes in the Tax Reform Act of 1986. Although the credits for rehabilitation were lowered in the new law, they still offer an attractive investment incentive, particularly for owners who have depreciated their property over a number of years.

Through the Department of State, the State of Florida became increasingly active in historic preservation during the 1980s, accelerated its grants program in the closing decade of the twentieth century, experienced smaller revenues after the collapse of the “.com” era and terrorist attacks associated with September 11, 2001. Despite those temporary setbacks, Florida continues to spend more dollars on historic preservation than any other state in the nation. Through the Bureau of Historic Preservation, the Florida Department of State is responsible for dispersing state preservation dollars. It provides funding for various types of projects, including acquisition and development; education; and survey and registration. The City of Fernandina Beach and the Amelia Island Museum of History should remain on the mailing list of the Bureau of Historic Preservation and apply for grants for appropriate projects, such as National Register Nominations, ordinances and design guidelines, and publications. Any public or private organization that seeks current information on available loans, grants, and funding sources or programs for historic preservation is advised to inquire with:

Fred Gaske, Director  
Division of Historical Resources  
R. A. Gray Building  
Tallahassee, Florida 32399

Cultural Resources  
National Park Service  
U.S. Department of the Interior  
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Florida Trust for Historic Preservation

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**Among the projects for which funding may be sought are: updating and conducting surveys of architectural and archaeological resources, preparation of NRHP nominations, updating historic preservation ordinance and accompanying guidelines, completion of a Historic Preservation Element to the Comprehensive Plan, acquisition of culturally significant properties, rehabilitation of historic structures, and the publication of brochures, books, and videos on local heritage and architecture. It is also recommended that strong consideration be given to an immediate historic structure survey of the Fernandina Beaches area, as this area is currently experiencing heavy real estate growth.** There are also a variety of programs available for community development under the auspices of the Department of Housing and Urban Development. Information on the status of the various programs and their relation to historic preservation programs should be obtained through the Florida Department of Community Affairs.



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