



**BOCA GRANDE HISTORIC PRESERVATION BOARD
WOMAN'S CLUB ROOM
BOCA GRANDE COMMUNITY CENTER
131 FIRST STREET WEST, BOCA GRANDE, FL 33921**

**WEDNESDAY, MAY 8, 2013
10:00 AM**

AGENDA

- 1. Call to Order/Roll Call/Review of Affidavit of Publication**
- 2. Approval of 4-10-13 Minutes**
- 3. Public Hearing on Special Certificates of Appropriateness (COA) Cases**
(For public review, plans for the COA cases are available at the Reference Library, Boca Grande Community Center, 131 First Street West, Boca Grande, starting May 1, 2013.)
***Note:** A summary of the zoning relief requests is provided for informational purposes only. The Lee County Zoning Division will make a determination after the Historic Preservation Board renders its decision.*

A. COA2013-00014 Gasparilla Inn Sprott Dorm Bldg. 351 Palm Ave. Boca Grande, FL 33921

The proposed project entails the replacement of the existing fences on the north, west and south with new 6-ft high wood (shadow box) fences.

The request for Zoning Relief in the C-2A (Commercial) zoning district from the Lee County Land Development Code:

1. Relief from LDC Section 34-844 and 34-2192 which requires a 25-foot setback from edge of right-of-way; to permit a setback of 0 feet from the eastern property line along Palm Avenue, for a proposed 6 foot high wood fence along the north and south property lines.
2. Relief from LDC Section 34-844 and 34-2192 which requires a 25-foot setback from edge of right-of-way; to permit a setback of 0 feet from the westerly property line along adjacent alley, for a proposed 6 foot high wood fence along the north and south property lines.

B. COA2013-00039 Glerum Residence at 151 Palm Ave. Boca Grande, FL 33921

The proposed project entails the construction of a 6-ft high wood (shadow box) fence at the rear (west) of the property.

The request for Zoning Relief in the RS-1 (Residential Single-Family) zoning district from the Lee County Land Development Code:

(OVER)

1. Relief from LDC Section 34-1744 (b)(2)(a)(i), which requires all fencing located between a street right-of-way or easement and the minimum 25 foot street setback line not to exceed a height of 3 feet; for proposed shadowbox wood fence 6 feet in height, to be setback a minimum of 0 feet from the western property line (right-of-way for GICIA bike path).

C. COA2013-00041 Residence at 307 3rd St W Boca Grande, FL 33921

The proposed project entails the construction of a 6-ft masonry wall fence along 3rd St W.

The request for Zoning Relief in the RS-1 (Residential Single-Family) zoning district from the Lee County Land Development Code:

1. Relief from LDC Section 34-1744 (b)(2)(a)(i), which requires all fencing located between a street right-of-way or easement and the minimum 25 foot street setback line not to exceed a height of 3 feet; for proposed walls with a gate 6 feet in height, to be setback a minimum of 3 feet from the southern property line (Street right-of-way of Third Street).
2. Relief from LDC Section 34-695, which requires the minimum required side setback of 7.5 feet, to allow a 5 foot setback from the western property line to bring the existing structure into compliance.
3. Relief from LDC Section 34-695 and LDC Section 34-2192(a) which requires the minimum required street setback of 25 feet, to allow a setback of 8 feet from the southern property line to bring the existing structure into compliance.
4. **Discuss issues related to the Gilchrist Avenue medians including the possibility of designating the medians as a historic resource under Chapter 22 of the Lee County Land Development Code.**
5. **Items by the Public; Committee Members; Staff**
6. **Adjournment – Next Meeting Date: to be determined**

Any person appealing a decision made at this hearing must ensure a record of the proceedings is made. In accordance with the Americans with Disabilities Act, Reasonable Accommodations will be made upon request. If you are in need of a Reasonable Accommodation or would like additional information, please contact Janet Miller at 533-8583.

To receive agendas by e-mail, contact jmiller@leegov.com.

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**MINUTES REPORT
BOCA GRANDE HISTORIC PRESERVATION BOARD
APRIL 10, 2013**

MEMBERS PRESENT:

Bill Caldwell III, Chair
Paul Eddy
Rebecca Paterson, Vice Chair
Richard Robb
Dana Robinette
Tim Seibert
William Winterer

STAFF PRESENT:

Kathie Ebaugh, Principal Planner, Planning
Janet Miller, Recording Secretary
Gloria Sajgo, Principal Planner, Planning

Agenda Item 1 - Call to Order – 10:00 a.m./Review of Affidavit of Publication

Mr. Caldwell called the meeting to order.

Ms. Miller, Recording Secretary, noted she had gotten a response from the Attorney's office stating the ad for this meeting was sufficient.

Agenda Item 2 – Approval of 3-13-13 Minutes

Mr. Winterer made a motion to approve 3-13-13 meeting minutes, seconded by Mr. Eddy. The motion was called and passed 7-0.

Before beginning the public hearing portion, Mr. Caldwell reviewed the procedural rules.

Agenda Item 3 – Public Hearing on Special Certificates of Appropriateness (COA)

A. COA2012-00135 851 Palm Avenue, Boca Grande, FL 33921

Mr. Caldwell announced this case had been withdrawn.

B. COA2013-00026, Sodel Gates and Fence Wall, 1000 East Railroad Avenue, Boca Grande, FL 33921

Ms. Sajgo reviewed the staff report and recommendations (attached).

Mr. Caldwell asked if the applicant or applicant's representative wished to add any comments. Mr. Wittmaak, designer for the project, did not have any additional comments.

Mr. Caldwell opened this item for public comment. No public input was received.

Mr. Winterer noted that East Railroad Avenue is mainly walls. He did not feel this addition would detract from it. He made a motion to approve the project as presented by the applicant and make a finding that the proposed project has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the project is in compliance with Chapter 22, and the design guidelines of the Boca Grande Historic District, seconded by Mr. Eddy. The motion was called and passed 7-0.

Agenda Item 4 – Presentation on the update to the Lee Plan (the Lee Plan is the Lee County Comprehensive Plan)

Ms. Kathie Ebaugh, Principal Planner with the Lee County Planning Division, gave a PowerPoint presentation on an update to the Lee Plan.

Two handouts were distributed (Communities Element and the Gasparilla Island-Boca Grande Vision).

Mr. Caldwell opened this item for public comment. Several members of the public spoke.

Ms. Ebaugh clarified that in terms of actual development on Boca Grande, the County is not proposing to make any changes. The only changes to the Boca Grande Community Plan is the policy that deals with the document clearing house and the policy that deals with the informational meetings. Both policies were moved to the front goal. This was done for the other community plans as well. Everything else has remained the same.

A member of the public asked what the process would be if this Board or other citizens wanted to recommend revisions to this plan or make comments.

Ms. Ebaugh provided the Board and public with the following contact information:

Main Phone Line: (239-533-8585)

Kathie Ebaugh's Direct Line: (239-533-8313)

Kathie's E-Mail Address: kebaugh@leegov.com

Janet Miller's Direct Line: (239-533-8583)

Janet Miller's E-Mail Address: jmiller@leegov.com

Lee County Town Hall Site for On-line Public Forum: www.leecountytownhall.com

Ms. Ebaugh also stated she would be willing to meet with a group of citizens to go over the goal if they wanted to reevaluate it.

Agenda Item 5 – Items by the Public; Committee Members; Staff

Public

Parking on Gilchrist

The public discussed further the parking issue on Gilchrist Avenue.

The Board, by consensus, agreed that board member, Paul Eddy, would contact Commissioner Manning to discuss the issue. It was agreed that the Board as well as citizens would be given an update at a future meeting.

Mr. Fletcher distributed a binder entitled "Boca Grande Village Beautification & Parking Committee Report" and staff noted they would provide a copy to Commissioner Manning.

Committee Members – None

Staff – None

Agenda Item 6 – Adjournment

Mr. Winterer made a motion to adjourn, seconded by Mr. Robb. The meeting adjourned at 12:08 p.m.

The next meeting is scheduled for Wednesday, May 8, 2013, at 10:00 a.m. in the Boca Grande Community Center.

**BOCA GRANDE HISTORIC PRESERVATION BOARD
STAFF REPORT**

TYPE OF CASE: Special Certificate of Appropriateness

CASE NUMBER: COA 2013-00026 Sodel Gates & Fence Wall, 1000 East Railroad Ave Boca Grande FL 33921

HEARING DATE: April 10, 2013

SUMMARY

The subject property is a non-contributing property in the Boca Grande Historic District HD 90-05-01. Staff analyzed the proposed project for compliance with the Boca Grande Design Guidelines. The STRAP is: 14-43-20-01-00061.0010; the address is: 1000 E. Railroad Ave, Boca Grande, Fl. The proposed project entails the construction of a new 6-ft high fence wall with 7-ft high columns in the front northwest area of the subject lot and the installation of 5-ft high rolling open, metal gates between the existing fence walls on the front elevation.

STAFF ANALYSIS

Existing Conditions

The subject property is a corner lot located at the intersection of East Railroad Ave and 10th St consisting of roughly 21,674 sq ft. It has roughly 122 ft frontage on E. Railroad Ave and 151 ft frontage along 10th St. Wall fences are on the perimeter of most of the property as well as in the interior of the property creating various spaces for different uses.

On August 11, 2009 the Boca Grande Historic Preservation Board approved COA 2010 - 00069 for a major rehabilitation of the subject house. See Attachment #1. In association with COA2010-00069 the Zoning Director issued ADD2010-00040, an administrative variance to bringing into compliance the nonconforming setbacks for the residence, the pool and the fence walls. Subsequently another administrative variance ADD2011-00012 was issued because a pool and spa had to be relocated due to structural damage during the removal of Royal Palms on the site. See attachment #2.

The project as approved includes the existing wall fences on the front elevation and a landscaped area (with no fences) on the northwest area by the adjoining property owner on to the north. In 2012 the owner of the subject property requested an administrative variance to construct a 6-ft high fence in this northwest landscaped area and to install gates between the existing fence walls. The Zoning Director considers administrative variances when the applicant is able to provide letters of no objection from adjacent property owners. In this instance the adjacent property owner to the north objected and as a result the Zoning Director would not consider the request. As a result the applicant filed for a variance before the Lee County Hearing Examiner. On March 15, 2013 the Hearing Examiner rendered a decision granting the applicant's request for a zoning variance. See attachment #3 VAR2012 00024 Charles Wittmark in reference to SODEL.

Since the Hearing Examiner has provided the zoning approval for the subject project the applicant is now requesting approval from the Boca Grande Historic Preservation Board for the design of the project. The request entails the construction of a new 6-ft high fence wall with 7-ft high columns in the front northwest area of the subject lot and the installation of 5-ft high open, metal gates between the existing fence walls on the front elevation. The fence gates would be rolling gates with a curved top (5-ft at the highest point) and would feature an open railing with the silhouettes of two palm trees.

The proposed fence wall for the north west area is designed to match the existing fence wall at the south west corner --which is set at a diagonal: Therefore proposed fence wall would be set at a diagonal on the north west corner and would be roughly 28-ft long and 6-ft high. It would be bookended by roughly 7-ft high columns to match those existing. The finish would match that of the

existing walls. The diagonal design of the proposed fence wall would allow the preservation of the vegetation on this northwest area of the subject parcel.

Overall staff believes this is a well thought out project that is in keeping with the design guidelines of the Boca Grande Historic District.

Design Guidelines for the Boca Grande Historic District.

In evaluating the project also refer to the discussion above.

1.0 Streetscape

1.1 Building heights should be similar to the range of heights already found in the district and on the particular block of the subject structure. N/A

1.2 The pattern of spaces between buildings should be maintained. Additions to existing buildings should be set back from the front façade so the visual quality of spacing is preserved. Maintain traditional pattern setbacks, entrances and alignment of facades. Maintain traditional yard spaces and sense of openness, especially at the front and sides of buildings. N/A

1.3 Additions should attempt to maintain the overall sense of size of the building. N/A

1.4 Buildings at the ends of a block should be similar in height to the buildings, or provide a visual transition to the next block. N/A

1.5 The traditional alignment of horizontal and vertical elements of buildings along a block should be maintained. The alignment of first and second story windows should respect traditional patterns of the block. N/A

1.6 Maintain the traditional proportions of glass in building facades. N/A

1.7 Maintain the traditional alignment between rooflines, porch protrusions and entrances. N/A

2.0 Building Site

2.1 Identify, retain and preserve features that are important in defining the overall historical character of the site, including driveways, walkways, lighting, fencing, signage, benches, fountains, terraces, water features, vegetation and potential archaeological features.

Currently there are two 6-ft high wall fences across the front of the subject parcel. The proposal calls for installing a 5-ft high roughly 20 -ft long rolling gate to secure the openings between the existing fence walls.

Additionally the northwest area which is now open would have a 6-ft high wall fence installed at a diagonal – to match the design of the wall fence on the southwest corner and to preserve the existing vegetative look of this corner. The adjoining properties in the area have wall fences – wall fences are very common along East Railroad Ave. The addition of a wall fence on the proposed location would be in keeping with the fences in the area and would also preserve the existing vegetation on this area of the subject parcel.

2.2 Maintain the traditional orientation patterns of building facades to the street or water. The front of the building should present a façade that is parallel to the street on which it faces.

2.3 The vertical and horizontal proportions of building mass should be maintained. Additions should preserve or maintain the traditional symmetry of the buildings front façade. N/A

2.4 Maintain traditional setback patterns. Porches, decks, solid fences or other additions should be located to respect traditional patterns or visually preserve the traditional front setback. Additions or screened service areas should be located to the side or rear of the front setback.

This corner property has high fences at the perimeter. The proposal calls for fencing in the northwest corner with fencing that resembles the existing fencing and locating it at a diagonal (to match the existing fence on the southwest corner) and to provide two 5-ft high and 20-ft long rolling gates to provide controlled access to the driveway. This proposal is in keeping with the traditional and established look of this property and this area of the historic district.

2.5 Alleys, where part of the historical plat, should be used to provide access to the rear of properties for parking and service. Parking and access to parking should relate to alley systems,

where present, and should be limited to the rear of structures where this pattern is traditional.
N/A

2.6 Accessory buildings such as garages or carports should be located according to the traditional development patterns of such buildings and should relate to the existing building on the site. Service areas and trash containers should be screened from view using fences, lattice screens or hedges. N/A

2.7 Decks should be as unobtrusive as possible. Railing should express a line and spacing similar to existing balustrades. The duplication of historic styles such as widow's walks should be encouraged only where this type of architecture was traditionally found. N/A

2.8 Paving materials and patterns should respect traditional patterns on the block. N/A

2.9 Landscaping should respect traditional planting patterns and maintain the alignment, spacing, and type where possible. N/A

3.0 Additions to Existing Buildings

3.1 Additions should be compatible with the size, scale, color, material and character of the building and its environment. Additions may include porches and bay windows as well as entire wings and rooms.

The additions of the fence and the gates are compatible with the existing fences. As described above the fence will be set at a diagonal to match the existing fence on the other corner; by setting the fence at a diagonal the existing vegetation will be preserved. The rolling gates will be roughly 5-ft high and but with metal with railings that will preserve the sense of openness between the existing fences while still providing the needed secure access.

In general high fences are relatively common on E Railroad Ave and the proposal is in keeping with the area.

3.2 Additions should be positioned so they do not alter the historic rhythm of building fronts.

N/A

4.0 New Construction

4.1 Contemporary styles should be harmonious in form, material, and scale with the character of the block or district. N/A

4.2 Align the façade of the building with the historic setbacks of the block or district. N/A

4.3 New buildings should appear similar in mass and scale with historic structures in the block or surrounding area. N/A

4.4 Building and roof forms should match those used historically. N/A

4.5 Use similar building materials to those used historically for all major surfaces. N/A

4.6 Use window sizes and proportions similar to those used historically. To create larger surfaces of glass, consider combining several standard windows in a row. N/A

5.0 Relocating Buildings in a Historic District

5.1 Relocate the structure in a context similar to its historic location, if relocating a historic building. N/A

5.2 Align the building within the historic patterns of setbacks and open space ratios. N/A

5.3 Orient the building according to the traditional pattern of the block or district. N/A

STAFF RECOMMENDATION:

Staff recommends that the Boca Grande Historic Preservation Board:

- Approve the project as presented by the applicant.
- Make a finding that the proposed project has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the project is in compliance with Chapter 22, and the design guidelines of the Boca Grande Historic District.



HISTORIC PRESERVATION PROGRAM SPECIAL CERTIFICATE OF APPROPRIATENESS

Lee County Planning Division, PO Box 398, Fort Myers, FL 33902
Phone: (239) 533-8585 / FAX: (239) 485-8344

COA No.	2013-00014	Designation No.	HD 900501	Date Filed:	4/18/2013
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<input type="checkbox"/> Contributing	<input type="checkbox"/> Non-Contributing	<input type="checkbox"/> Individual Designation	<input type="checkbox"/> Not Historical
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Name of Project: THE SPOTT DORM BUILDING - FENCE

Location: 351 PAIM AVE BOCA GRANDE FL 33921

Strap No.: 14-43-20-01-00014.0230

Name of Applicant or Agent: LEO PFLIGER CONSTRUCTION INC

(* All correspondence with regards to the Certificate of Appropriateness will be sent to the party identified above)

Address: 339 N. OXFORD DRIVE

City / State, Zip: ENGLEWOOD FL 34223

Phone Number: 941-474-8386 Fax Number: 941-473-0022

E-mail: lpc.bldr@comcast.net

Name of Historic District, if applicable, _____

Check all that apply: Building Archaeological Site Object Landscape Feature

Project Description: (describe all work proposed):

Alteration Demolition New Construction Reconstruction Rehabilitation Relocation

Narrative: DEMO EXISTING FENCE / Replacement of new fence. 6' WOOD FENCE.

Change in Use: yes no

If yes, explain: _____

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? yes no

If yes, explain: _____

Has a development order or exemption been applied for prior to or concurrent with this application? yes no

If yes, explain: _____

***** FOR STAFF USE ONLY *****			
Date Filed:	Date Issued:	APPROVED	*DENIED
Certified by:			
* Explanation Attached			



COA2013-00014 – The Sprott Dorm Building SW. Boca Grande



Subject Property
351 Palm Ave

COA2013-00014 – The Sprott Dorm Building SW. Boca Grande



BOCA GRANDE HISTORIC PRESERVATION BOARD STAFF REPORT

TYPE OF CASE: Special Certificate of Appropriateness

CASE NUMBER: COA 2013-00014 Gasparilla Inn remove and replace (with same) fences 351 Palm Ave.,

HEARING DATE: May 8, 2013

SUMMARY:

This proposal calls for the removal of the existing 6-ft high wood fence and its replacement with a new 6-ft high wood fence on three sides of the existing Gasparilla Inn Dorm building on Palm Ave., a non-contributing property in the Boca Grande Historic District HD (District) 90-05-01. The subject property is located at 351 Palm Ave. Boca Grande FL 33921 (STRAP: 14 43 20 01 00014.0230). Staff analyzed the proposed project for compatibility with the Design Guidelines for the Boca Grande Historic District.

STAFF ANALYSIS

Existing Conditions: The subject dorm building is located on a parallelogram shaped lot (roughly 154-ft by 100-ft) with roughly 154-ft on Palm Ave (the front elevation) and on the alley (the rear elevation). Currently there is a 6-ft high wood privacy fence along the rear and north and south side property lines. On the sides the fence extends to the front property line (i.e.t the fence is not setback in line with the building.). The subject site is the location of the one of the Gasparilla Inn's dormitories, a 2-story concrete block building. Adjoining this dormitory on the north side is the 2-story Palmetto Inn -- which in the 1900s was built as a residence but by 1913 had become an inn. Adjoining the dormitory on the south side is single family house.

The proposal: The proposal calls for replacing the existing 6-ft high wood privacy fence with a new 6-ft high wood shadow box fence to be located on the same location as the existing. Like the existing fence, the new fence would run along the rear property line by the alley and along the north and south side property lines. The location and type of fence is designed to continue to provide privacy the residents of the Gasparilla Inn's dorm and also buffer the adjoining properties from the dormitory. Overall staff believes this is a well thought out project and is in keeping with the design guidelines of the Boca Grande Historic District.

Design Guidelines for the Boca Grande Historic District.

In evaluating the project also refer to the discussion above.

1.0 Streetscape

1.1 Building heights should be similar to the range of heights already found in the district and on the particular block of the subject structure. N/A

1.2 The pattern of spaces between buildings should be maintained. Additions to existing buildings should be set back from the front façade so the visual quality of spacing is preserved. Maintain traditional pattern setbacks, entrances and alignment of facades. Maintain traditional yard spaces and sense of openness, especially at the front and sides of buildings.

The property has well defined front and side yards. There is no fencing proposed on the front –only on the sides and rear to continue to buffer the dorm from the adjoining properties and the alley.

1.3 Additions should attempt to maintain the overall sense of size of the building. N/A

1.4 Buildings at the ends of a block should be similar in height to the buildings, or provide a visual transition to the next block. N/A

1.5 The traditional alignment of horizontal and vertical elements of buildings along a block should be maintained. The alignment of first and second story windows should respect traditional patterns of the block. N/A

1.6 Maintain the traditional proportions of glass in building facades. N/A

1.7 Maintain the traditional alignment between rooflines, porch protrusions and entrances.

2.0 Building Site

2.1 Identify, retain and preserve features that are important in defining the overall historical character of the site, including driveways, walkways, lighting, fencing, signage, benches, fountains, terraces, water features, vegetation and potential archaeological features.

The proposal maintains the existing configuration and design of the fences, which are important as they provide privacy to the dorm residents and buffer the adjoining properties from the dorm.

2.2 Maintain the traditional orientation patterns of building facades to the street or water. The front of the building should present a façade that is parallel to the street on which it faces. N/A

2.3 The vertical and horizontal proportions of building mass should be maintained. Additions should preserve or maintain the traditional symmetry of the buildings front façade. N/A

2.4 Maintain traditional setback patterns. Porches, decks, solid fences or other additions should be located to respect traditional patterns or visually preserve the traditional front setback. Additions or screened service areas should be located to the side or rear of the front setback. N/A

2.5 Alleys, where part of the historical plat, should be used to provide access to the rear of properties for parking and service. Parking and access to parking should relate to alley systems, where present, and should be limited to the rear of structures where this pattern is traditional. N/A

2.6 Accessory buildings such as garages or carports should be located according to the traditional development patterns of such buildings and should relate to the existing building on the site. Service areas and trash containers should be screened from view using fences, lattice screens or hedges. N/A

2.7 Decks should be as unobtrusive as possible. Railing should express a line and spacing similar to existing balustrades. The duplication of historic styles such as widow's walks should be encouraged only where this type of architecture was traditionally found. N/A

2.8 Paving materials and patterns should respect traditional patterns on the block. N/A

2.9 Landscaping should respect traditional planting patterns and maintain the alignment, spacing, and type where possible. N/A

3.0 Additions to Existing Buildings

3.1 Additions should be compatible with the size, scale, color, material and character of the building and its environment. Additions may include porches and bay windows as well as entire wings and rooms. N/A

3.2 Additions should be positioned so they do not alter the historic rhythm of building fronts. N/A

4.0 New Construction

4.1 Contemporary styles should be harmonious in form, material, and scale with the character of the block or district. N/A

4.2 Align the façade of the building with the historic setbacks of the block or district. N/A

4.3 New buildings should appear similar in mass and scale with historic structures in the block or surrounding area. N/A

4.4 Building and roof forms should match those used historically. N/A

4.5 Use similar building materials to those used historically for all major surfaces. N/A

4.6 Use window sizes and proportions similar to those used historically. To create larger surfaces of glass, consider combining several standard windows in a row. N/A

5.0 Relocating Buildings in a Historic District

5.1 Relocate the structure in a context similar to its historic location, if relocating a historic building. N/A

5.2 Align the building within the historic patterns of setbacks and open space ratios. N/A

5.3 Orient the building according to the traditional pattern of the block or district. N/A

STAFF RECOMMENDATION:

Staff recommends that the Boca Grande Historic Preservation Board:

- Approve the project as presented by the applicant.
- Make a finding that the proposed project has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the project is in compliance with Chapter 22, and the design guidelines of the Boca Grande Historic District.



Fence on the south side



Fence on the north side



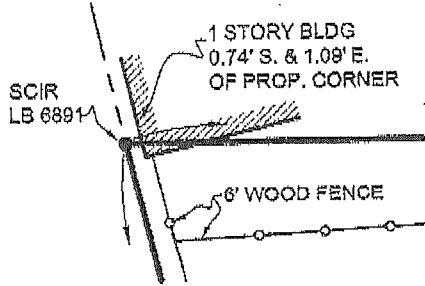
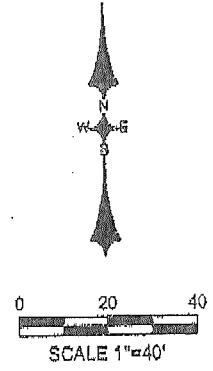
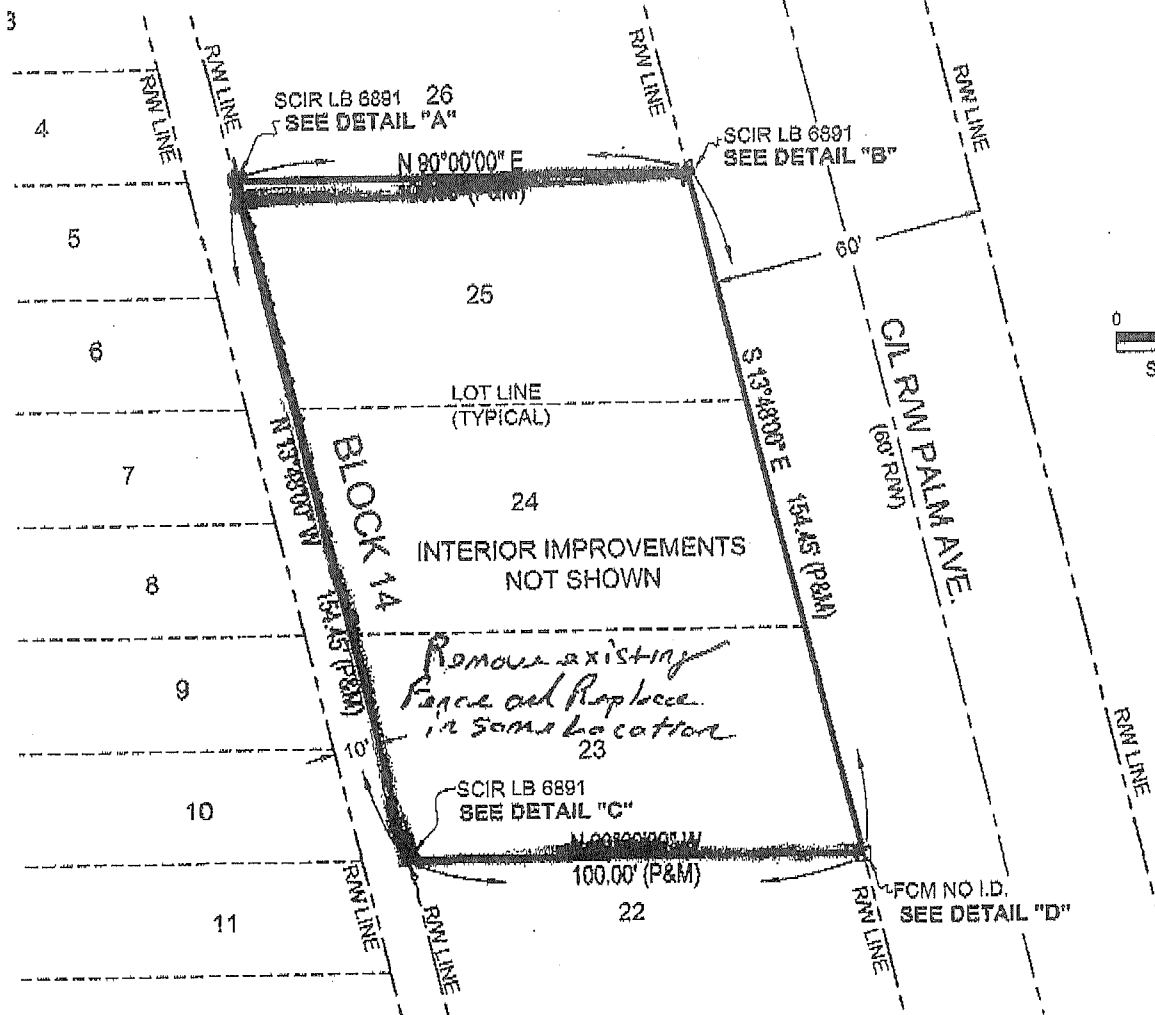
Fence at the rear at the rear. Note other fences along rear property lines by the alley.



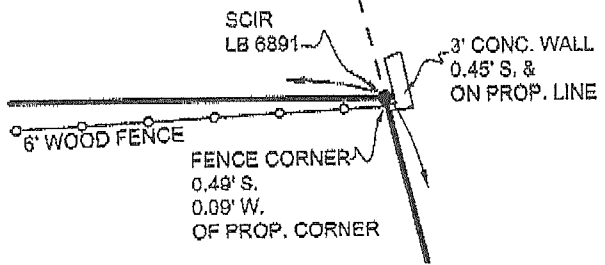
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SUBJECT PROPERTY

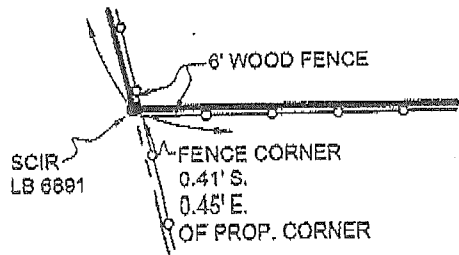




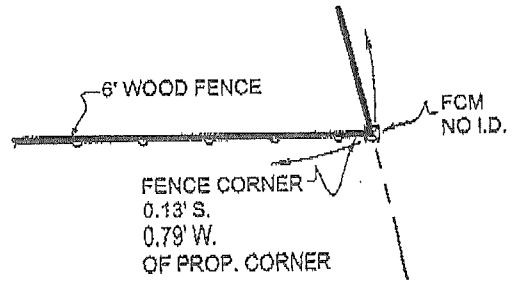
DETAIL "A"
N. W. PROPERTY CORNER
NOT TO SCALE



DETAIL "B"
N. E. PROPERTY CORNER
NOT TO SCALE

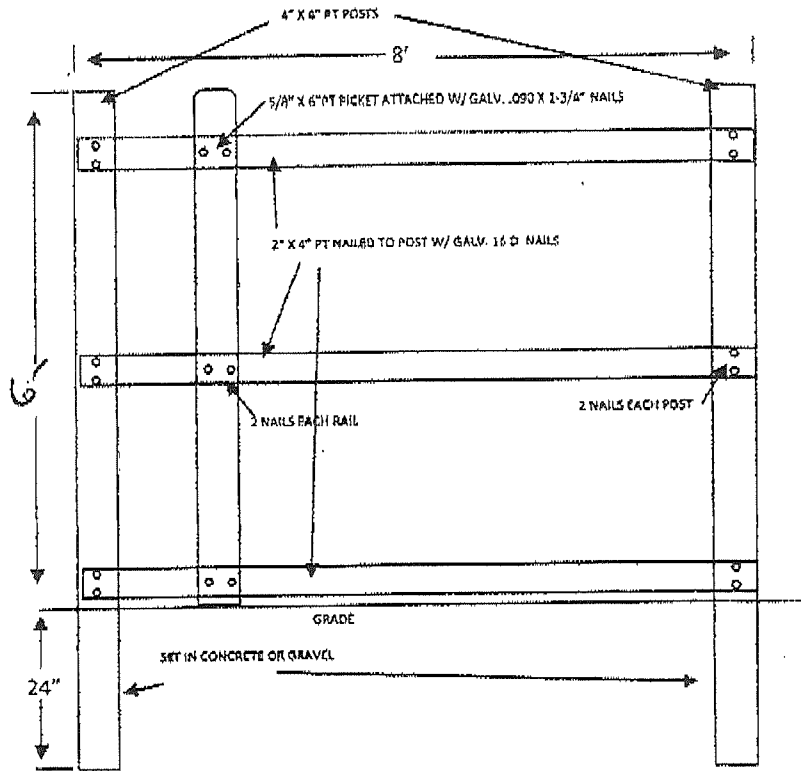


DETAIL "C"
S. W. PROPERTY CORNER
NOT TO SCALE

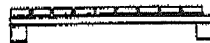


DETAIL "D"
S. E. PROPERTY CORNER
NOT TO SCALE

6' TALL WOOD FENCE SPECIFICATIONS TBGC



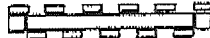
PRIVACY (STOCKADE)



BOARD ON BOARD



SHADOWBOX



DESCRIPTION:

LOTS 23, 24, AND 25, BLOCK 14, OF THAT CERTAIN SUBDIVISION KNOWN AS BOCA GRANDE, ACCORDING TO THE MAO OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 7, AT PAGES 1 AND 1A.

SURVEY NOTES:

SURVEY BASED ON DESCRIPTIONS PROVIDED BY CLIENT AND RECORDED PLAT OK BOCA GRANDE AS RECORDED IN SAID PLAT BOOK 7, PAGES 1 AND 1A

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE COMMITMENT.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN CONDUCTED BY THIS OFFICE FOR THE EXISTENCE OF ANY EASEMENTS, RIGHTS-OF-WAY, RESERVATIONS, OR RESTRICTIONS OF RECORD.

ORIENTATION BASED ON THE WEST RIGHT-OF-WAY LINE OF PALM AVENUE AS BEARING S 13°48'00" E .

THE LOCATION OR EXISTENCE OF ANY UNDERGROUND OR NONVISIBLE UTILITIES, OR IMPROVEMENTS, HAVE NOT BEEN INVESTIGATED, EXCEPT AS SHOWN.

THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITAT, OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

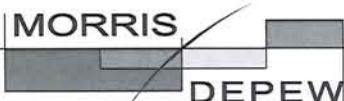
LAST DATE OF FIELD WORK PERFORMED ON 4-2-13, IN FIELD BOOK 71, PAGE 76.

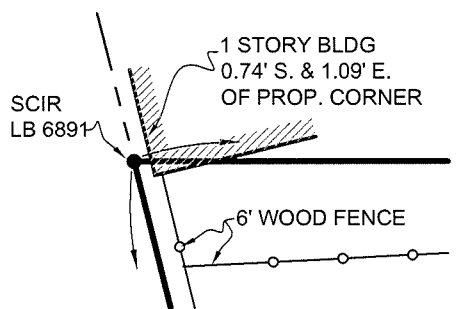
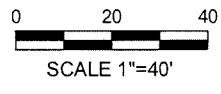
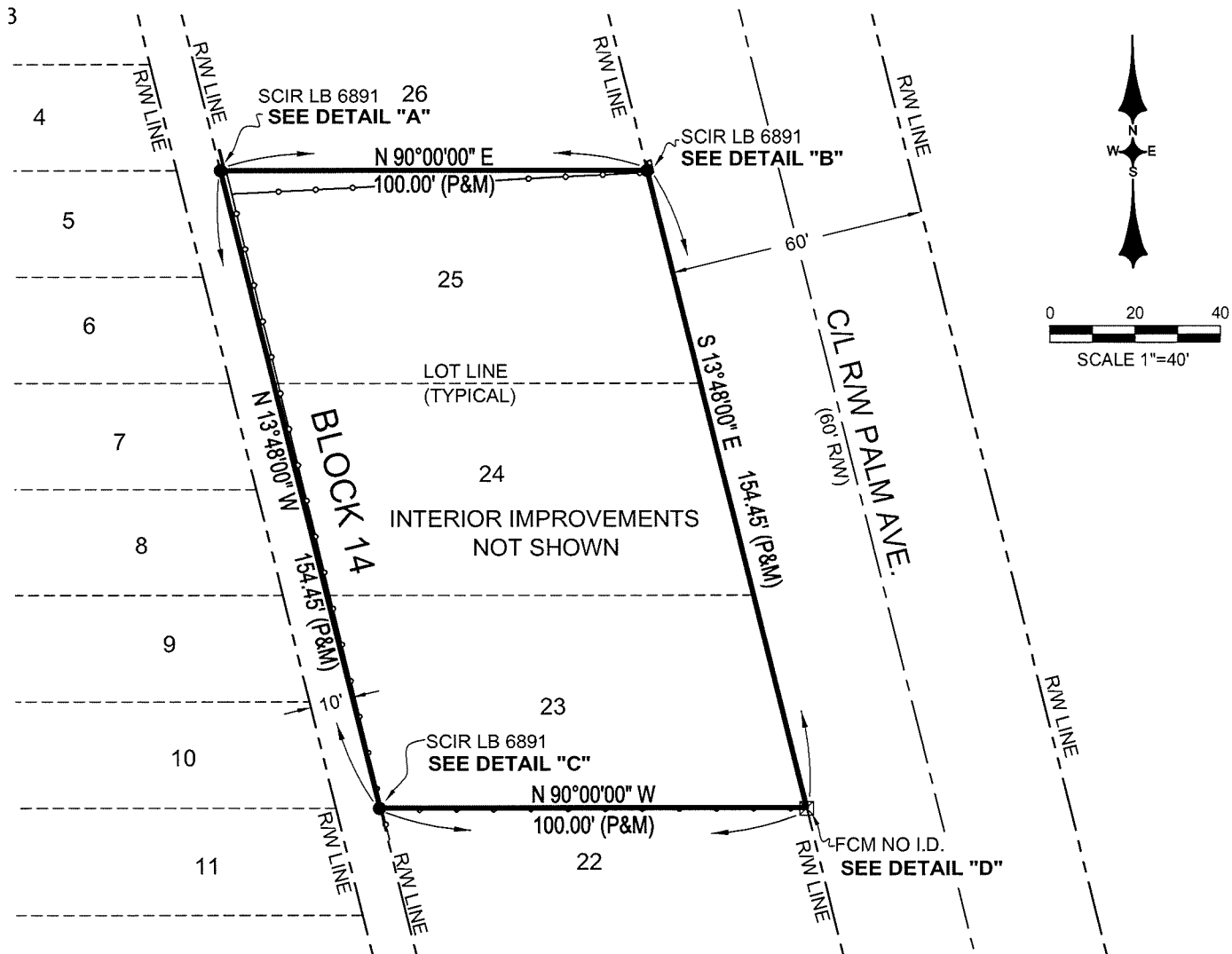
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED BY:

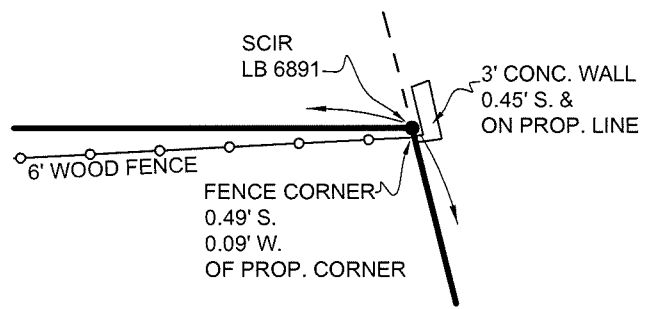
Mark A. Hatfield 4-2-13

MARK A. HATFIELD, P.S.M. DATE
FLORIDA CERTIFICATE NO. 4155

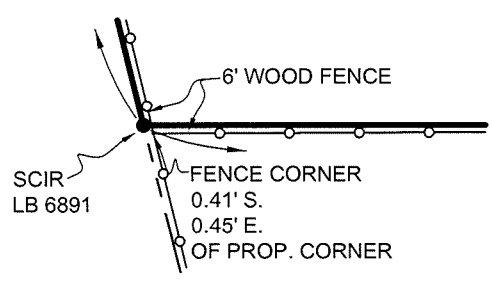
MDA PROJECT: 10021	<p align="center">BOUNDARY SURVEY</p> <p align="center">LOTS 23-25, BLOCK 14, ACCORDING TO THE PLAT OF BOCA GRANDE, PLAT BOOK 7, PAGES 1 AND 1A , OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. FOR GASPARILLA INN</p>	 <p align="center">ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS</p> <p>FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330</p>	<ul style="list-style-type: none"> • Fort Myers • Tallahassee • Gainesville 	
CHECKED BY: MAH			DRAWN BY: BMH	2914 Cleveland Avenue Fort Myers, Florida 33901 (239) 337-3993 Fax: (239) 337-3994 Toll free: 866-337-7341
DATE: 4-02-13				
SHEET 1 OF 2				



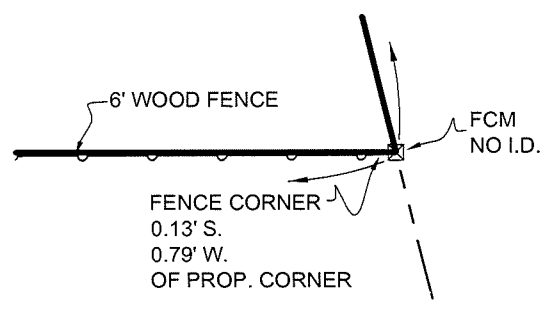
DETAIL "A"
N. W. PROPERTY CORNER
NOT TO SCALE



DETAIL "B"
N. E. PROPERTY CORNER
NOT TO SCALE



DETAIL "C"
S. W. PROPERTY CORNER
NOT TO SCALE



DETAIL "D"
S. E. PROPERTY CORNER
NOT TO SCALE

- ABBREVIATIONS**
- C/L = CENTERLINE
 - FCM = FOUND CONCRETE MONUMENT
 - L.B. = LICENSED BUSINESS
 - (M) = AS FIELD MEASURED
 - O.R. = OFFICIAL RECORDS BOOK
 - (P) = AS PER PLAT
 - PB = PLAT BOOK
 - PG. = PAGE
 - R/W = RIGHT OF WAY
 - S.C.I.R. = SET IRON ROD WITH CAP

- LEGEND**
- = BOUNDARY LINE
 - = CENTERLINE
 - = FOUND CONCRETE MONUMENT
 - = LOT LINE
 - = R/W LINE
 - = SET IRON ROD AND CAP

MDA PROJECT: 10021	
CHECKED BY: MAH	DRAWN BY: BMH
DATE: 4-02-13	
SHEET 2 OF 2	

BOUNDARY SURVEY
 LOTS 23-25, BLOCK 14, ACCORDING TO THE PLAT
 OF BOCA GRANDE, PLAT BOOK 7, PAGES 1 AND 1A,
 OF THE PUBLIC RECORDS OF LEE COUNTY,
 FLORIDA.
 FOR GASPARILLA INN

MORRIS

DEPEW

ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS

FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330

• Fort Myers
 • Tallahassee
 • Gainesville
 2914 Cleveland Avenue
 Fort Myers, Florida 33901
 (239) 337-3993
 Fax: (239) 337-3994
 Toll free: 866-337-7341



HISTORIC PRESERVATION PROGRAM SPECIAL CERTIFICATE OF APPROPRIATENESS

Lee County Planning Division, PO Box 398, Fort Myers, FL 33902
Phone: (239) 533-8585 / FAX: (239) 485-8344

COA No. <u>2013-00039</u>	Designation No. <u>HD 90 05 01</u>	Date Filed: <u>4-12-2013</u>
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<input type="checkbox"/> Contributing	<input checked="" type="checkbox"/> Non-Contributing	<input type="checkbox"/> Individual Designation	<input type="checkbox"/> Not Historical
---------------------------------------	--	---	---

Name of Project: Glerum Residence

Location: 151 Palm Ave. Boca Grande, FL 33921

STRAP No.: 14-43-20-07-00000.0040

Name of Applicant or Agent*: T.A. Krebs

*(*All correspondence with regards to the Certificate of Appropriateness will be sent to the party identified above)*

Address: 1460 S. McCall Rd. Unit 4A

City, State, Zip: Englewood, Florida 34223

Phone Number: 941-475-7327 Fax Number: 941-474-0384

Email Address: denise@takrebs.com

Name of Historic District (if applicable): _____

Check all that apply: Building Archaeological Site Object Landscape Feature

Project Description (describe all work proposed):

Alteration Demolition New Construction Reconstruction Rehabilitation Relocation

Narrative: Construct 6' shadow box wood fence

Change in Use: No Yes

If yes, explain. _____

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? No Yes

If yes, explain. setback relief

Has a development order or exemption been applied for prior to or concurrent with this application? No Yes

If yes, explain. _____

***** FOR STAFF USE ONLY *****	
Date Issued:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED*
Certified by:	
<i>*Explanation attached</i>	

SUBMITTAL REQUIREMENTS	
	Full plans and specifications (12 sets of plans, 1 set of specification).
	Site plan (12).
	Samples of materials if needed to fully describe the proposed appearance, color, feature, materials, or design of the building(s), structure(s), and any outbuilding, wall, courtyard, fence, landscape feature, paving, storage or exterior lighting.
	Adequate information to enable the Historic Preservation Board to visualize the effect of the proposed action of adjacent buildings and streetscape within a historic district.
	Demolition applications only: Provide plans for the reuse of the property.
	Moving applications only: Provide reason for the proposed move, and a description of the new location and settings.
	ADDITIONAL SUBMITTAL ITEMS FOR ARCHAEOLOGICAL SITES
	Full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites.
	Proposed mitigation measures.
	Archaeological surveys, if required by the Historic Preservation Board, including disturbance of human burials.

COA2013-00039 Glerum Residence – 151 Palm Ave. Boca Grande



Subject Property
151 Palm Ave.

134320

AG-2

244320

0 1000ft

COA2013-00039 Glerum Residence – 151 Palm Ave. Boca Grande





Copyright ©2012 Pictometry International Corp.

general location
of the proposed
fence

subject parcel



**BOCA GRANDE HISTORIC PRESERVATION BOARD
STAFF REPORT**

TYPE OF CASE: Special Certificate of Appropriateness

CASE NUMBER: COA 2013-00039 Glerum 151 Palm Ave. Boca Grande Fl 33921

HEARING DATE: May 8, 2013

SUMMARY

The subject property is a vacant non-contributing property in the Boca Grande Historic District HD 90-05-01. The proposed project is for the construction of a 6-ft high wood shadow box fence along the rear property line and along the north and south property lines within 25-ft of the rear lot line. Staff analyzed the proposed project for compliance with the Boca Grande Design Guidelines. The STRAP number is: 14 43 20 07 00000 0040 the address is: 151 Palm Ave. Boca Grande Fl 33921.

STAFF ANALYSIS

The subject parcel is a parallelogram shaped lot roughly --108-ft x 250-ft. The lot has 108-ft frontage on Palm Ave. and at the rear adjoins the GICIA (Gasparilla Island Conservation and Improvement Association) Bike Path. On January 31, 2013 the Boca Grande Historic Preservation Board approved Certificate of Appropriateness COA 2012- 00143 Glerum for the construction of a single family house with 6-ft high concrete fence walls along both the north and south property lines extending up to (and not beyond) 25-ft from the rear (west) property line.

The proposed project is for the construction of a 6-ft high wood shadow box fence along the rear (west) property line and along the north and south side property lines within 25-ft of the rear (west) lot line. Staff believes this is a well thought out project. There are several 6-ft high fences buffering the back yards of the residences from the GICIA bike path. The property to the north of the subject property has a 6-ft high shadow box fence along its rear and side property lines.

Design Guidelines for the Boca Grande Historic District.

In evaluating the project also refer to the discussion above.

1.0 Streetscape

1.1 Building heights should be similar to the range of heights already found in the district and on the particular block of the subject structure. N/A

1.2 The pattern of spaces between buildings should be maintained. Additions to existing buildings should be set back from the front façade so the visual quality of spacing is preserved. Maintain traditional pattern setbacks, entrances and alignment of facades. Maintain traditional yard spaces and sense of openness, especially at the front and sides of buildings. N/A

1.3 Additions should attempt to maintain the overall sense of size of the building. N/A

1.4 Buildings at the ends of a block should be similar in height to the buildings, or provide a visual transition to the next block. N/A

1.5 The traditional alignment of horizontal and vertical elements of buildings along a block should be maintained. The alignment of first and second story windows should respect traditional patterns of the block. N/A

1.6 Maintain the traditional proportions of glass in building facades. N/A

1.7 Maintain the traditional alignment between rooflines, porch protrusions and entrances. N/A

2.0 Building Site

2.1 Identify, retain and preserve features that are important in defining the overall historical character of the site, including driveways, walkways, lighting, fencing, signage, benches, fountains, terraces, water features, vegetation and potential archaeological features.

Enclosing the rear portion of the property with a 6-ft high wood shadow box fence is compatible with the rear fencing of the adjoining property to the north as it also features a 6-ft high wood shadow box

fence at the rear. In general many houses along the bike path have 6-ft high fences buffering them from the bike path and many of these fences are wood shadow box fences.

2.2 Maintain the traditional orientation patterns of building facades to the street or water. The front of the building should present a façade that is parallel to the street on which it faces. N/A

2.3 The vertical and horizontal proportions of building mass should be maintained. Additions should preserve or maintain the traditional symmetry of the buildings front façade. N/A

2.4 Maintain traditional setback patterns. Porches, decks, solid fences or other additions should be located to respect traditional patterns or visually preserve the traditional front setback. Additions or screened service areas should be located to the side or rear of the front setback. N/A

2.5 Alleys, where part of the historical plat, should be used to provide access to the rear of properties for parking and service. Parking and access to parking should relate to alley systems, where present, and should be limited to the rear of structures where this pattern is traditional.

N/A

2.6 Accessory buildings such as garages or carports should be located according to the traditional development patterns of such buildings and should relate to the existing building on the site. Service areas and trash containers should be screened from view using fences, lattice screens or hedges. N/A

2.7 Decks should be as unobtrusive as possible. Railing should express a line and spacing similar to existing balustrades. The duplication of historic styles such as widow's walks should be encouraged only where this type of architecture was traditionally found. N/A

2.8 Paving materials and patterns should respect traditional patterns on the block. N/A

2.9 Landscaping should respect traditional planting patterns and maintain the alignment, spacing, and type where possible. N/A

3.0 Additions to Existing Buildings N/A

3.1 Additions should be compatible with the size, scale, color, material and character of the building and its environment. Additions may include porches and bay windows as well as entire wings and rooms. N/A

3.2 Additions should be positioned so they do not alter the historic rhythm of building fronts. N/A

4.0 New Construction

4.1 Contemporary styles should be harmonious in form, material, and scale with the character of the block or district. N/A

4.2 Align the façade of the building with the historic setbacks of the block or district. N/A

4.3 New buildings should appear similar in mass and scale with historic structures in the block or surrounding area. N/A

4.4 Building and roof forms should match those used historically. N/A

4.5 Use similar building materials to those used historically for all major surfaces. N/A

4.6 Use window sizes and proportions similar to those used historically. To create larger surfaces of glass, consider combining several standard windows in a row. N/A

5.0 Relocating Buildings in a Historic District

5.1 Relocate the structure in a context similar to its historic location, if relocating a historic building. N/A

5.2 Align the building within the historic patterns of setbacks and open space ratios. N/A

5.3 Orient the building according to the traditional pattern of the block or district. N/A

STAFF RECOMMENDATION:

Staff recommends that the Boca Grande Historic Preservation Board:

- Approve the project as presented by the applicant.
- Make a finding that the proposed project has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the project is in compliance with Chapter 22, and the design guidelines of the Boca Grande Historic District.

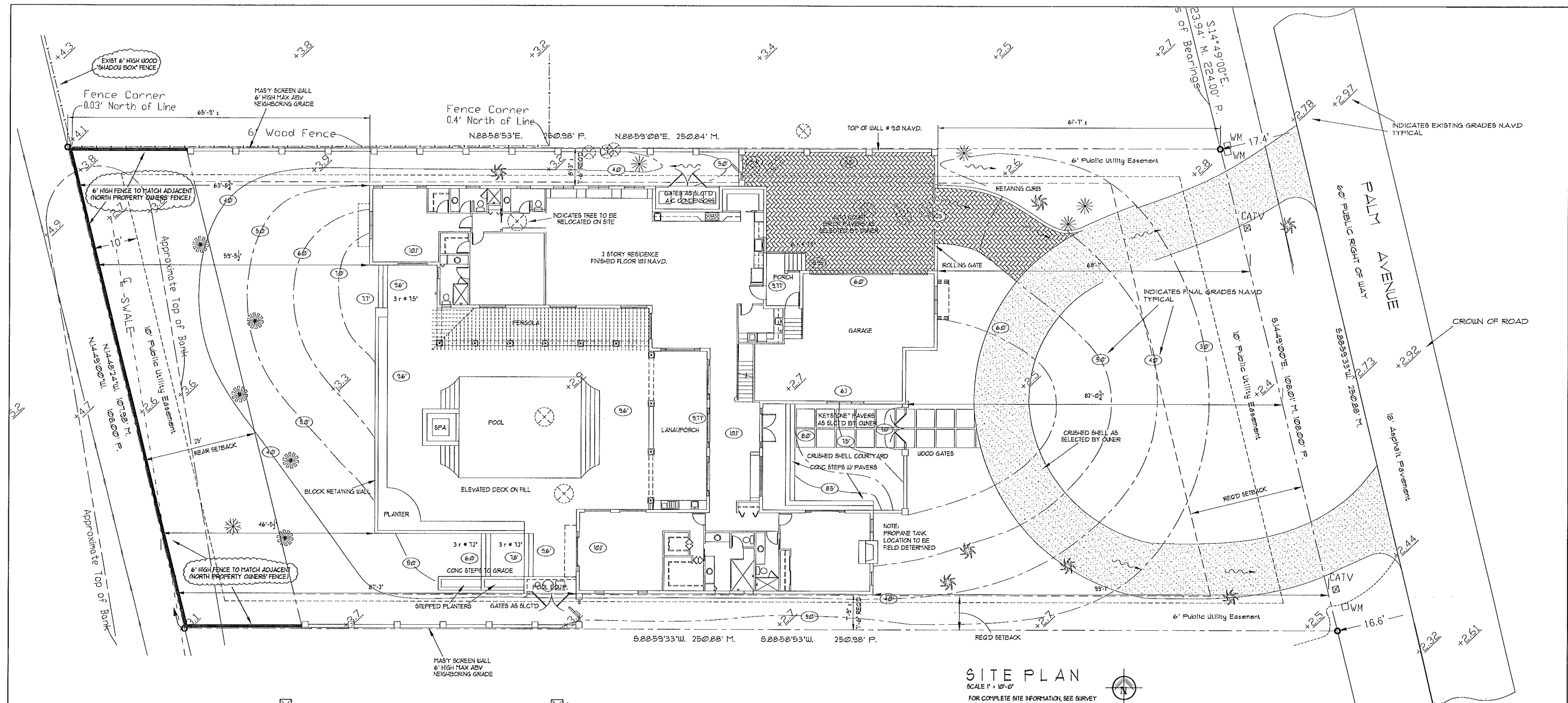
12-5-12



Glerums
Property

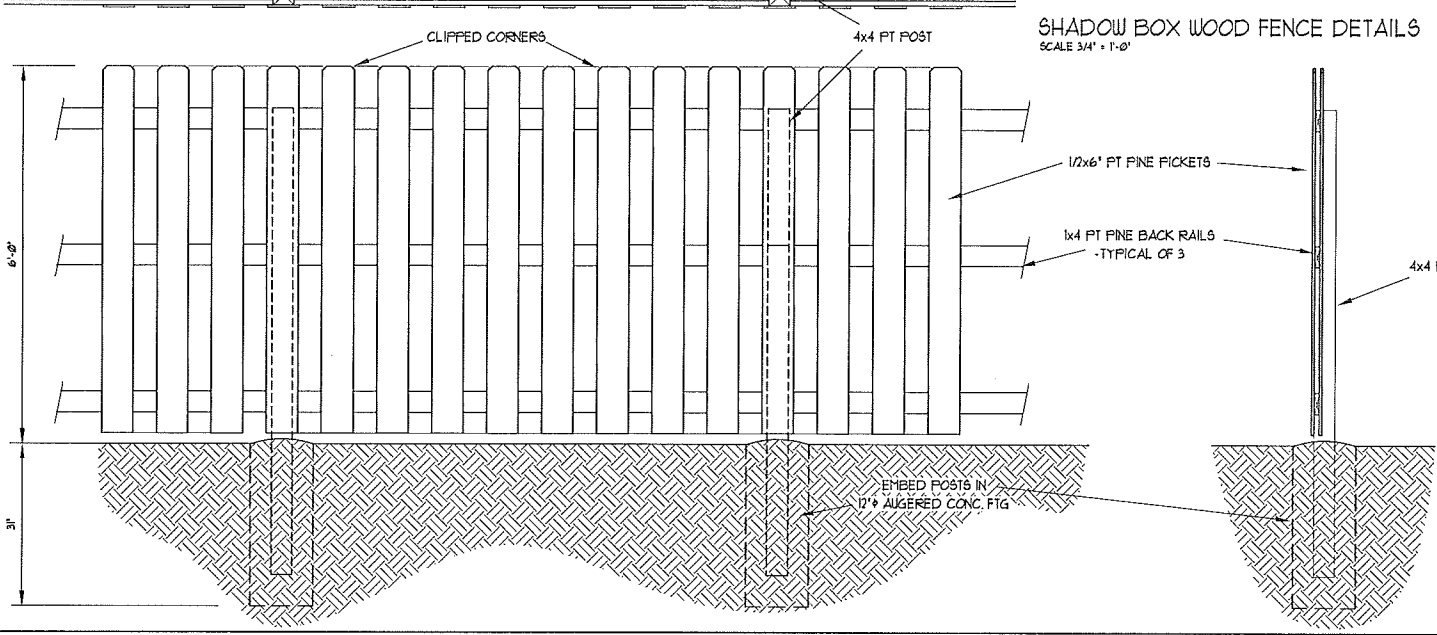


Glerums
REAR Property
Line



SITE PLAN
SCALE 1" = 10'-0"

FOR COMPLETE SITE INFORMATION, SEE SURVEY DATED 1/17/20 BY SHREKSHOCK SURVEYING, INC. NORTH PORT, FL



RELIEF SOUGHT

A) RELIEF FROM LDC SECTION 34-695 AND 34-2192 WHICH REQUIRES A 25-FOOT SETBACK FROM EDGE OF RIGHT-OF-WAY (FORMER RAILWAY RIGHT-OF-WAY) TO PERMIT A SETBACK OF 0 FEET FROM THE WESTERLY PROPERTY LINE, FOR A PROPOSED 6 FOOT SHADOW BOX WOOD FENCE.

revisions:

EXHIBIT "A"
SITE PLAN FOR
WOOD FENCE APPROVAL
GLERUM RESIDENCE
151 PALM AVE. BOCA GRANDE, FL

architect
la krebs llc
4126002482
Edgewater Ctr, suite 4A
1480 McCall Rd. S
Englewood, Fla. 34223
(941)475-7327

date: 4-11-2013
job no. 2136
SP-1
drawing:



HISTORIC PRESERVATION PROGRAM SPECIAL CERTIFICATE OF APPROPRIATENESS

Lee County Planning Division, PO Box 398, Fort Myers, FL 33902
Phone: (239) 533-8585 / FAX: (239) 485-8344

COA No. <u>CoA2013 00041</u>	Designation No. <u>HD900501</u>	Date Filed:
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<input type="checkbox"/> Contributing	<input checked="" type="checkbox"/> Non-Contributing	<input type="checkbox"/> Individual Designation	<input type="checkbox"/> Not Historical
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Name of Project: Middle Third LLC

Location: 307 West 3rd Street, Boca Grande

STRAP No.: 14-43-20-01-00017.0090

Name of Applicant or Agent*: Outerbridge Construction Inc.

*(*All correspondence with regards to the Certificate of Appropriateness will be sent to the party identified above)*

Address: 2800 Placida Road #107

City, State, Zip: Englewood, FL 34224

Phone Number: (941) 697-4644 Fax Number: (941) 697-4605

Email Address: alicia.preston@embarqmail.com

Name of Historic District (if applicable): Boca Grande

Check all that apply: Building Archaeological Site Object Landscape Feature

Project Description (describe all work proposed):

Alteration Demolition New Construction Reconstruction Rehabilitation Relocation

Narrative: Build 6' stucco wall similar to adjacent wall.

Build 6' PVC basket-weave fence as previously approved.

Change in Use: No Yes

If yes, explain. _____

Does this use require a variance, special permit, or special exception under the Zoning Ordinance? No Yes

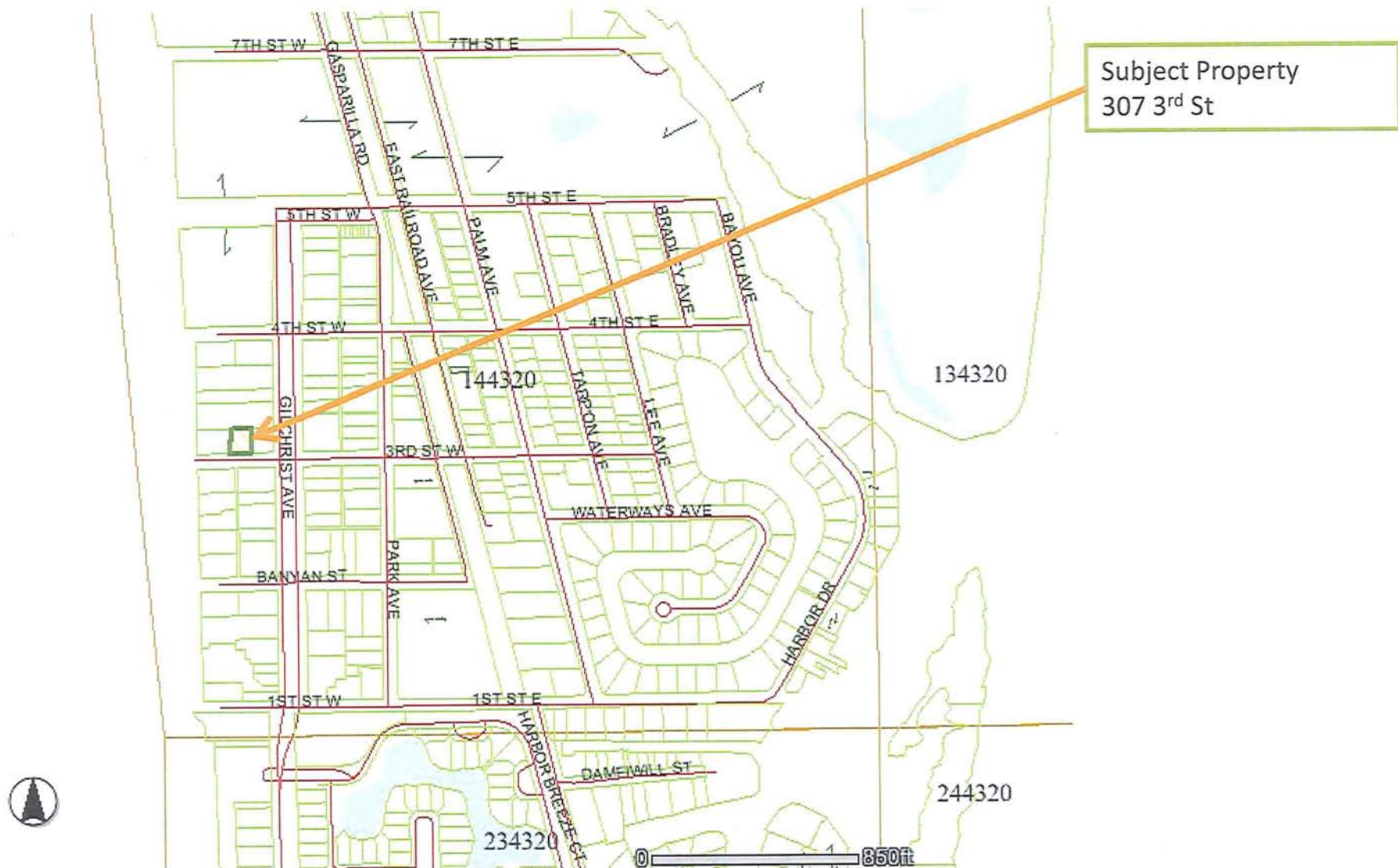
If yes, explain. Zoning relief

Has a development order or exemption been applied for prior to or concurrent with this application? No Yes

If yes, explain. _____

***** FOR STAFF USE ONLY *****			
Date Issued:		<input type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED*
Certified by:			
*Explanation attached			

COA2013-00041 307 3rd St. – 307 3rd St. W Boca Grande



**BOCA GRANDE HISTORIC PRESERVATION BOARD
STAFF REPORT**

TYPE OF CASE: Special Certificate of Appropriateness

CASE NUMBER: COA 2013-00041 Middle Third LLC, 307 3rd St Boca Grande, Boca Grande Fl

HEARING DATE: May 8, 2013

SUMMARY

This is a non-contributing property in the Boca Grande Historic District HD (District) 90-05-01. The proposed project calls for reconfiguring a proposed 6-ft high wall along 3rd St W. The subject property is located at 307 3rd St. W, Boca Grande FL 33921 (STRAP: 14 43 20 01 00017.0090). Staff analyzed the proposed project for compatibility with the Design Guidelines for the Boca Grande Historic District.

STAFF ANALYSIS

The subject parcel is roughly 92-ft by 100-ft with 92-ft frontage on 3rd St W. It has an existing one story, single family house located on it. On April 11, 2012 the Boca Grande Historic Preservation Board approved Certificate of Appropriateness COA 2012-00026 Middle Third for the rehabilitation of the existing house and new construction to add a wing east of the existing house, a pool at the back and a staggered roughly 6-ft masonry wall and gate along 3rd St W.

Currently the rehabilitation of the existing house has been completed but the other proposed construction activities – except for the proposed new wall fence – have been canceled. The owner of the adjoining house to the west (at 301 3rd St W) plans to purchase the subject property and wants to install a wall fence along the street in a way that is reconfigured from what was originally approved.

As a result the applicant is requesting only approval for a new 6-ft masonry wall fence and gate along 3rd St W. with the following characteristics:

- The principal portion of the wall along 3rd St W. would be roughly 37-ft long and setback 3-ft from the south property line.
- On the east end the wall would wrap around the FPL transformer keeping a minimum of 3ft clearance to the west and north of the transformer.
- On the west end the wall will turn north for roughly 14 ½ ft and connect to 6-ft high double gate.

Overall staff believes this is a well thought out project that is in keeping with the design guidelines of the Boca Grande Historic District. There are several 6-ft high masonry walls in the area and the proposal would be compatible with those.

Design Guidelines for the Boca Grande Historic District.

In evaluating the project also refer to the discussion above.

1.0 Streetscape

1.1 Building heights should be similar to the range of heights already found in the district and on the particular block of the subject structure. N/A

1.2 The pattern of spaces between buildings should be maintained. Additions to existing buildings should be set back from the front façade so the visual quality of spacing is preserved. Maintain traditional pattern setbacks, entrances and alignment of facades. Maintain traditional yard spaces and sense of openness, especially at the front and sides of buildings. N/A

1.3 Additions should attempt to maintain the overall sense of size of the building. N/A

1.4 Buildings at the ends of a block should be similar in height to the buildings, or provide a visual transition to the next block. N/A

1.5 The traditional alignment of horizontal and vertical elements of buildings along a block should be maintained. The alignment of first and second story windows should respect traditional patterns of the block. N/A

1.6 Maintain the traditional proportions of glass in building facades. N/A

1.7 Maintain the traditional alignment between rooflines, porch protrusions and entrances. N/A

2.0 Building Site

2.1 Identify, retain and preserve features that are important in defining the overall historical character of the site, including driveways, walkways, lighting, fencing, signage, benches, fountains, terraces, water features, vegetation and potential archaeological features.

The proposed 6-ft high masonry wall is compatible with the other fencing in the area and similar to the fencing that the BGHPB previously approved. The lot has roughly 92-ft frontage along 3rd St W. and the main portion of the proposed fence would have roughly 37-ft frontage along the street and be setback 3-ft from the south property line. Generally, the overall impact of the fence is minimized.

2.2 Maintain the traditional orientation patterns of building facades to the street or water. The front of the building should present a façade that is parallel to the street on which it faces. N/A

2.3 The vertical and horizontal proportions of building mass should be maintained. Additions should preserve or maintain the traditional symmetry of the buildings front façade. N/A

2.4 Maintain traditional setback patterns. Porches, decks, solid fences or other additions should be located to respect traditional patterns or visually preserve the traditional front setback. Additions or screened service areas should be located to the side or rear of the front setback. N/A

2.5 Alleys, where part of the historical plat, should be used to provide access to the rear of properties for parking and service. Parking and access to parking should relate to alley systems, where present, and should be limited to the rear of structures where this pattern is traditional. N/A

2.6 Accessory buildings such as garages or carports should be located according to the traditional development patterns of such buildings and should relate to the existing building on the site. Service areas and trash containers should be screened from view using fences, lattice screens or hedges. N/A

2.7 Decks should be as unobtrusive as possible. Railing should express a line and spacing similar to existing balustrades. The duplication of historic styles such as widow's walks should be encouraged only where this type of architecture was traditionally found. N/A

2.8 Paving materials and patterns should respect traditional patterns on the block. N/A

2.9 Landscaping should respect traditional planting patterns and maintain the alignment, spacing, and type where possible. N/A

3.0 Additions to Existing Buildings N/A

3.1 Additions should be compatible with the size, scale, color, material and character of the building and its environment. Additions may include porches and bay windows as well as entire wings and rooms. N/A

3.2 Additions should be positioned so they do not alter the historic rhythm of building fronts. N/A

4.0 New Construction

4.1 Contemporary styles should be harmonious in form, material, and scale with the character of the block or district. N/A

4.2 Align the façade of the building with the historic setbacks of the block or district. N/A

4.3 New buildings should appear similar in mass and scale with historic structures in the block or surrounding area. N/A

4.4 Building and roof forms should match those used historically. N/A

4.5 Use similar building materials to those used historically for all major surfaces. N/A

4.6 Use window sizes and proportions similar to those used historically. To create larger surfaces of glass, consider combining several standard windows in a row. N/A

5.0 Relocating Buildings in a Historic District

5.1 Relocate the structure in a context similar to its historic location, if relocating a historic building. N/A

5.2 Align the building within the historic patterns of setbacks and open space ratios. N/A

5.3 Orient the building according to the traditional pattern of the block or district. N/A

STAFF RECOMMENDATION:

Staff recommends that the Boca Grande Historic Preservation Board:

- Approve the project as presented by the applicant.
- Make a finding that the proposed project has been designated under Chapter 22 of the Land Development Code and on the basis of staff analysis, the project is in compliance with Chapter 22, and the design guidelines of the Boca Grande Historic District.

COA2013-00041 307 3rd St. – 307 3rd St. W Boca Grande



Subject property

Adjacent property to the East



Adjacent Property to the West



COA2013-00041 307 3rd St. – 307 3rd St. W Boca Grande



Properties across the street
(South)

Details of properties across the street



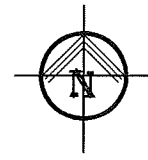
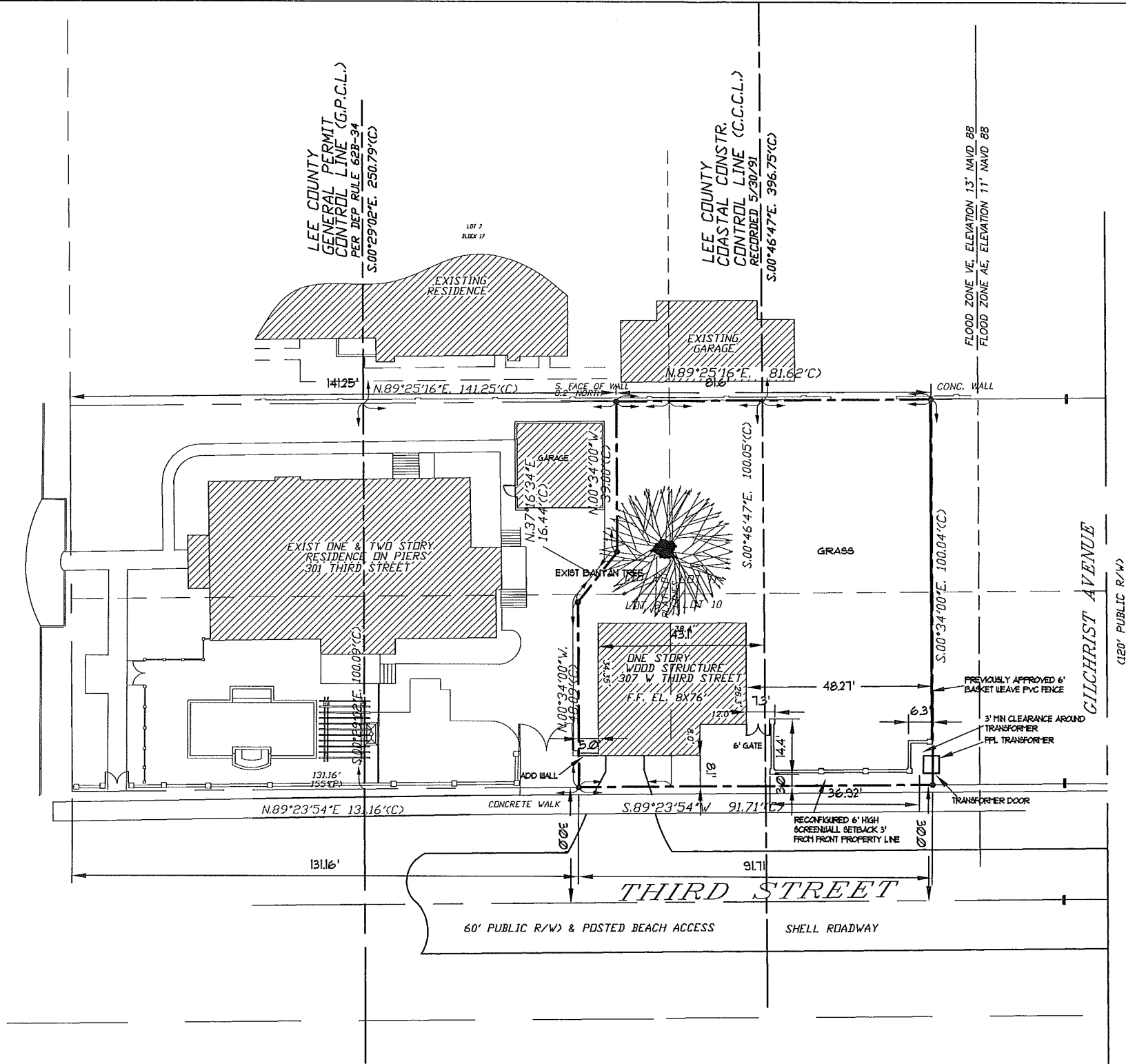
Gulf of Mexico

EROSION CONTROL LINE
RECORDED 4/17/78

S02°09'09"E 201.70'(D.A.)

CONCRETE SEAWALL

S01°22'35"E 200.34'



SITE PLAN



FOR COMPLETE SITE INFORMATION, SEE SURVEY DATED 10-06-2011 BY LANDMARK LAND CONSULTANTS ENGLEWOOD, FL

rev: 4-22-13
4-12-13
4-03-13

date: 11-30-12
job no. 2149

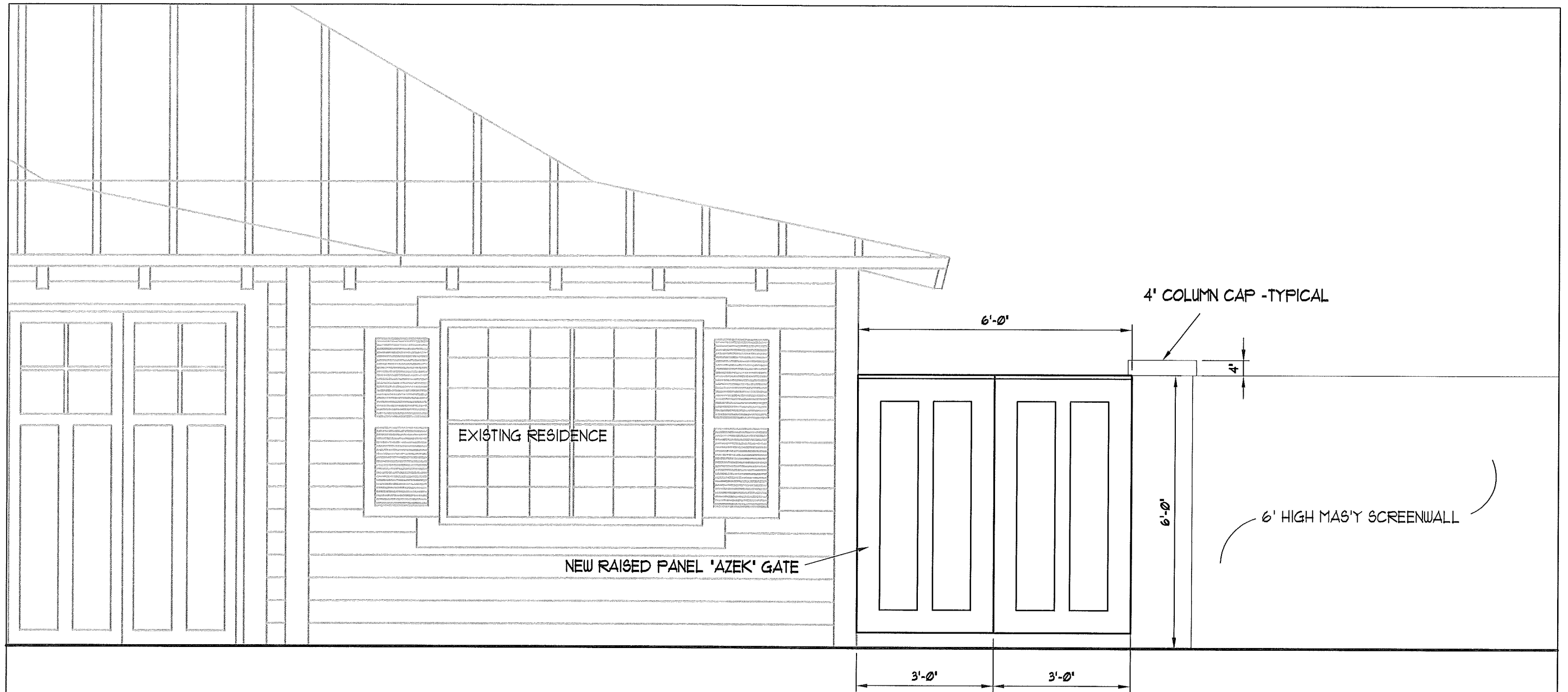
RSP-1

drawing:

PROPOSED REVISIONS OUTERBRIDGE CONSTRUCTION

301 WEST 3RD STREET BOCA GRANDE, FL

architect
l. a. krebs, LLC
AA 26002462
Edgewater Ctr. suite 4A
1460 McCall Rd. S
Englewood, Fla. 34223
(941)475-7327



GATE ELEVATION

SCALE: 1/4" = 1'-0"

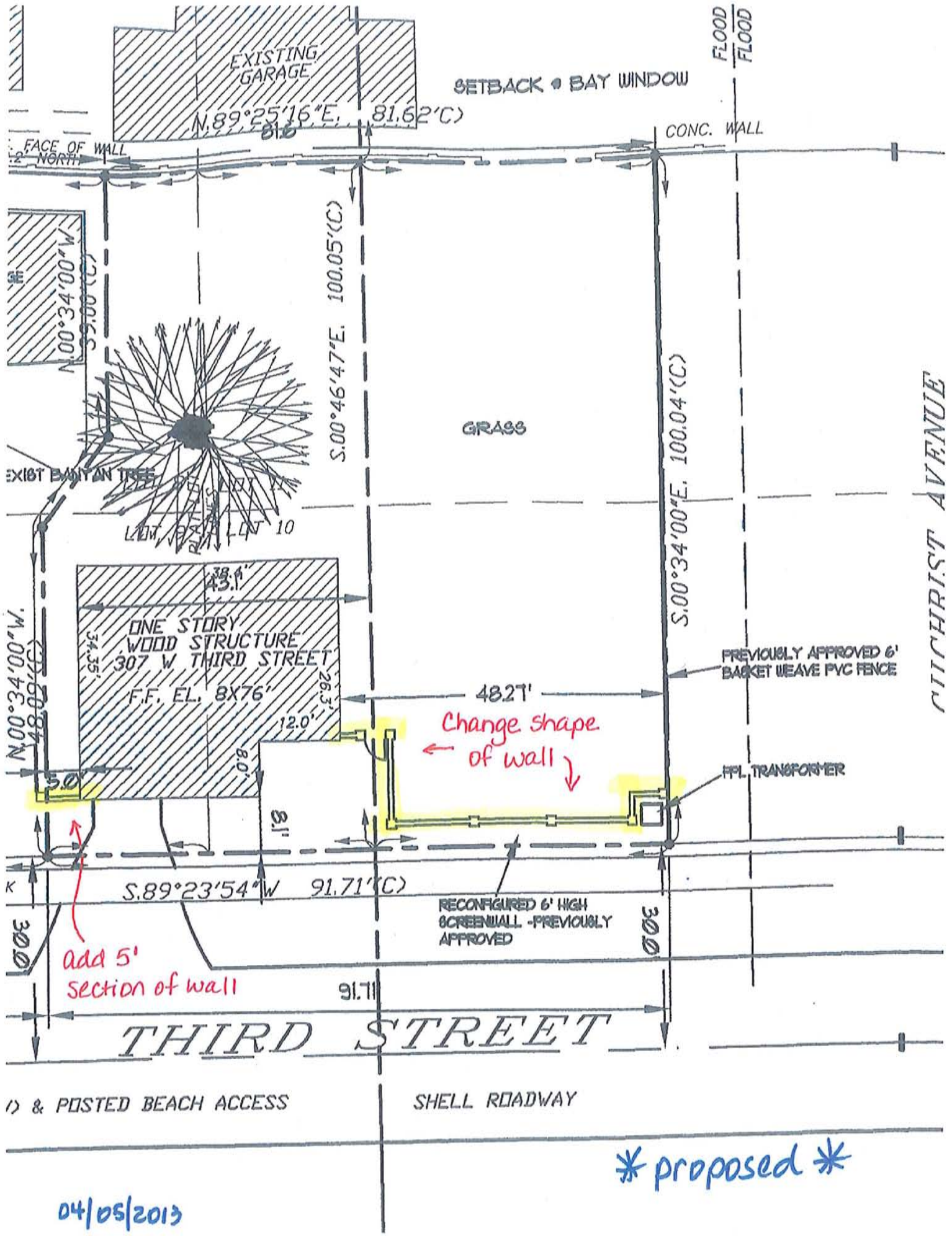
PROPOSED SCREENWALL
 OUTERBRIDGE CONSTRUCTION

301 WEST 3RD STREET

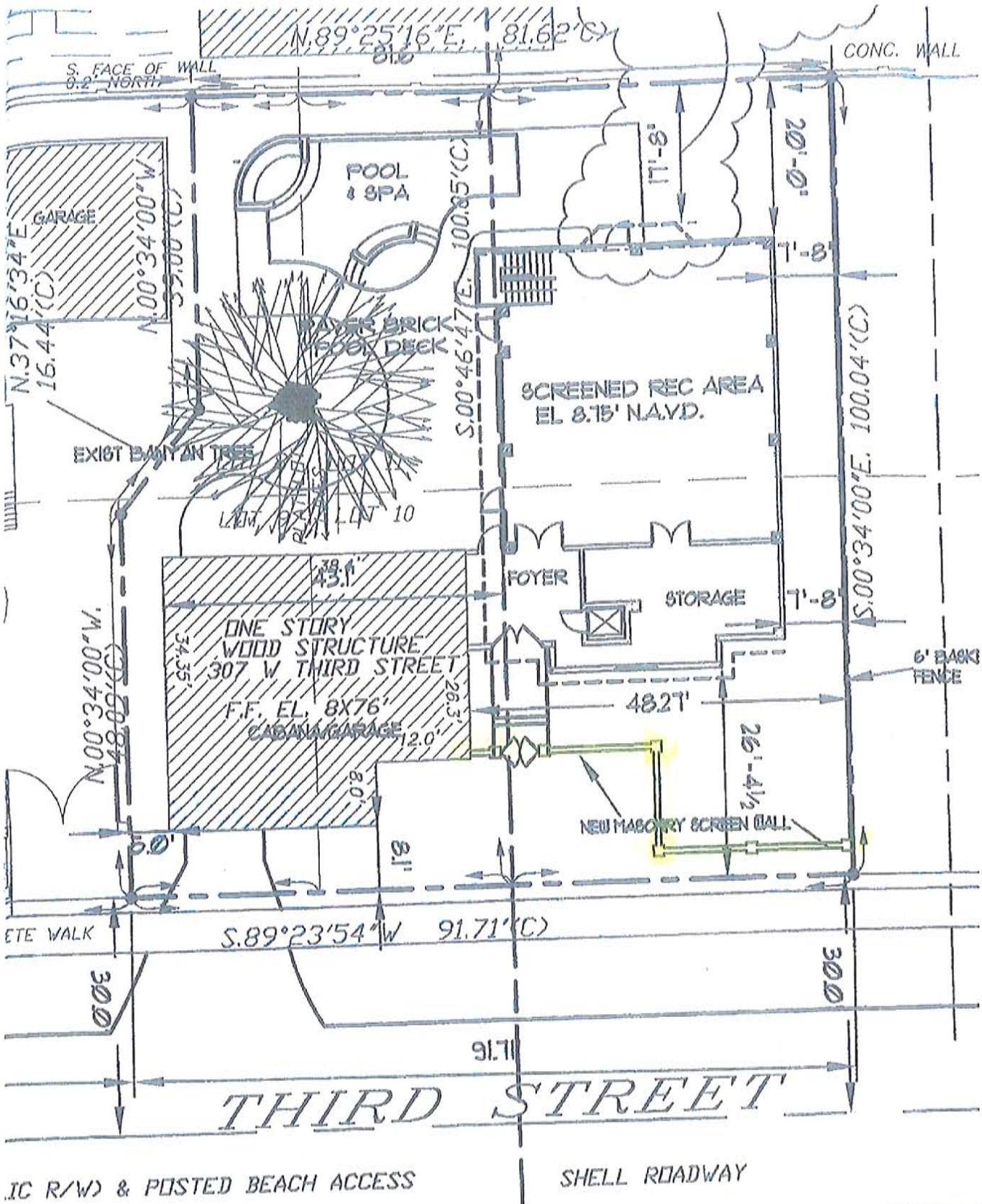
BOCA GRANDE, FL

architect
 l. a. krebs, LLC
 AA 26002462
 Edgewater Ctr. suite 4A
 1460 McCall Rd. S
 Englewood, Fla. 34223
 (941)475-7327

rev: 4-25-13
 date: 4-23-13
 job no. 2149
 G-1
 drawing:



04/05/2013



* previously approved wall *

04/05/2013

Sajgo, Gloria

From: Lynne Seibert [lmsejs@earthlink.net]
Sent: Wednesday, April 24, 2013 4:23 PM
To: Sajgo, Gloria
Subject: BGHPB Meeting May 8 - Agenda Item
Attachments: Excerpt- Boca Grande Community Plan- Historic District Objective.docx; Lee County LDC Chapter 22, Sec 22-74 Historic Preservation.docx

Dear Gloria,

Please put on our agenda for the next meeting the subject of Gilchrist Avenue and please distribute the two attached exhibits to the Board to read prior to our discussion.

The question was raised at our last meeting about designating Gilchrist Avenue an Historic Resource. The Boca Grande Community Plan, which created our local Historic Board, and the Lee County Land Development Code; Chapter 22, Sec. 22-74, both give our Board jurisdiction and the ability to identify and designate historic resources, including "sites".

Thank you,

Edward J. Seibert, FAIA

**Excerpt: BOCA GRANDE COMMUNITY PLAN
As adopted in the Lee County Comprehensive Plan**

OBJECTIVE 22.9: HISTORIC PRESERVATION. To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town. (Added by Ordinance No. 05-19)

POLICY 22.9.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners. (Added by Ordinance No. 05-19)

POLICY 22.9.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 22.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources. (Added by Ordinance No. 05-19)

POLICY 22.9.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations. (Added by Ordinance No. 05-19)

POLICY 22.9.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered. (Added by Ordinance No. 05-19)

POLICY 22.9.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board. (Added by Ordinance No. 05-19)

POLICY 22.9.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.9.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the *Design Guidelines Manual for the Boca*

Grande Historic District in Lee County, Florida. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.9.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted. (Added by Ordinance No. 05-19)

*Lee County, Florida, Land Development Code >> - LAND DEVELOPMENT CODE >>
Chapter 22 - HISTORIC PRESERVATION >>*

(Ord. No. 88-62, § 3, 12-21-88)

Sec. 22-1. - Purpose of chapter.

(a)

The purpose of this chapter is to identify, evaluate, preserve and protect historical and archaeological sites and districts, and to promote the cultural, health, moral, economic, educational, aesthetic and general welfare of the public by:

(1)

Creating a historic preservation board with the power and duty to review historic sites, areas, structures and buildings for possible designation as historic resources.

(2)

Empowering the historic preservation board to determine the historical significance of a designated historic resource.

(3)

Protecting designated historic resources by requiring the issuance of certificates of appropriateness and certificates to dig before allowing alterations to those resources.

(4)

Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices.

(5)

Stabilizing and improving property values through the revitalization of older residential and commercial neighborhoods.

(6)

Enhancing the county's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities.

(7)

Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage.

(8)

Promoting the sensitive use of historic and archaeological sites, resources and districts for the education, pleasure and welfare of the people of the county.

(b)

The further purpose of this chapter is to obtain Certified Local Government status pursuant to the Procedures for Approved State and Local Government Historic Preservation Programs, 36 CFR 67 (1987) and the National Historic Preservation Act of 1966, as amended, 16 USC 470.

(Ord. No. 88-62, § 3, 12-21-88)

Sec. 22-2. - Applicability of chapter.

(a)

This chapter shall govern and be applicable to all property located in the unincorporated area of the county. The municipalities of Fort Myers, Sanibel and Cape Coral are excluded from the provisions of this chapter except where such municipalities may undertake activities outside of their corporate limits.

(b)

Nothing contained in this chapter shall be deemed to supersede or conflict with applicable building and zoning codes except as specifically provided in this chapter.

(Ord. No. 88-62, § 4, 12-21-88)

Sec. 22-3. - Definitions. (Excerpts)

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Historic district means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as a historic district, an area may contain both contributing and noncontributing properties

Certificate of appropriateness means a written authorization by the historic preservation board or county staff to the owners of a designated property or any building, structure (including docks and signs) or site within a designated historic district, allowing a proposed alteration, relocation, or the demolition of a building, structure or site. Certificates of appropriateness are divided into the following two classes:

Historic resource means any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. Historic resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the county, the state or the United States.

Sec. 22-74. - Powers and duties.

The historic preservation board shall have the following powers and duties:

(1)

To propose rules and procedures to implement the provisions of this chapter to the Board of County Commissioners.

(2)

To maintain and update the findings of the historical and archaeological surveys and validate those findings.

(3)

To evaluate the significance and eligibility of historic resources for designation pursuant to this chapter.

(4)

To designate eligible historic resources pursuant to this chapter.

(5)

To nominate historic resources to the National Register of Historic Places.

(6)

To approve, deny or approve with conditions applications for special certificates of appropriateness and certificates to dig applicable to historic resources designated pursuant to this chapter.

(7)

To issue designation certificates, place historical markers and administer other programs aimed at the proper recognition of designated historic resources.

(8)

To advise the Board of County Commissioners on all matters related to historic preservation policy, including use, administration and maintenance of county-owned designated sites and districts.

(9)

To recommend zoning and building code amendments to the Board of County Commissioners to assist in the preservation of designated historic resources or districts.

(10)

To review and make recommendations to the Board of County Commissioners on proposed amendments to the comprehensive plan or land development regulations that may affect designated historic resources and districts or buildings, structures, districts or sites eligible for designation.

(11)

To propose and recommend to the Board of County Commissioners financial and technical incentive programs to further the objectives of historic preservation.

(12)

To increase the awareness of historic preservation and its community benefits by promoting public education programs.

(13)

To record and maintain records of the actions and decisions of the historic preservation board.

(14)

To apply for, in the name of the county only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

(15)

Upon designation as a certified local government, to review and make recommendations concerning National Register of Historic Places nomination proposals to the Florida Review Board.

(16)

To perform any other function or duty assigned to it by the Board of County Commissioners.

Chapter 22

HISTORIC PRESERVATION*

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ARTICLE I. IN GENERAL**Sec. 22-1. Purpose of chapter.**

(a) The purpose of this chapter is to identify, evaluate, preserve and protect historical and archaeological sites and districts, and to promote the cultural, health, moral, economic, educational, aesthetic and general welfare of the public by:

- (1) Creating a historic preservation board with the power and duty to review historic sites, areas, structures and buildings for possible designation as historic resources.
- (2) Empowering the historic preservation board to determine the historical significance of a designated historic resource.
- (3) Protecting designated historic resources by requiring the issuance of certificates of appropriateness and certificates to dig before allowing alterations to those resources.
- (4) Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices.
- (5) Stabilizing and improving property values through the revitalization of older residential and commercial neighborhoods.
- (6) Enhancing the county's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities.
- (7) Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage.
- (8) Promoting the sensitive use of historic and archaeological sites, resources and districts for the education, pleasure and welfare of the people of the county.

(b) The further purpose of this chapter is to obtain Certified Local Government status pursuant to the Procedures for Approved State and Local Government Historic Preservation Programs, 36 CFR 67 (1987) and the National Historic Preservation Act of 1966, as amended, 16 USC 470.
(Ord. No. 88-62, § 3, 12-21-88)

Sec. 22-2. Applicability of chapter.

(a) This chapter shall govern and be applicable to all property located in the unincorporated area of the county. The municipalities of Fort Myers, Sanibel and Cape Coral are excluded from the provisions of this chapter except where such municipalities may undertake activities outside of their corporate limits.

(b) Nothing contained in this chapter shall be deemed to supersede or conflict with applicable building and zoning codes except as specifically provided in this chapter.
(Ord. No. 88-62, § 4, 12-21-88)

Sec. 22-3. Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Archaeological site means an individual historic resource recognized for its prehistoric or historic artifacts and features.

Archaeologist means a person who is qualified under the professional standards of the Florida Archaeological Council or the Society of Professional Archaeologists to conduct archaeological surveys, assessments or excavations, or is recognized as qualified to perform those tasks by the county.

Area of archaeological sensitivity means an area identified in the survey entitled "An Archaeological Site Inventory and Zone Management Plan For Lee County, Florida" (Piper Archaeological Research, Inc., 1987), as known or being likely to yield information on the history and prehistory of the county based on prehistoric settlement patterns and existing topographical features. Areas of archaeological sensitivity are divided into the following categories:

- (1) Sensitivity Level 1: Those areas containing known archaeological sites that are considered to be significant or potentially significant historic resources. These areas include sites listed on the National Register of Historic Places and those considered eligible or potentially eligible for listing on the National Register of Historic Places or local historic resource designation.
- (2) Sensitivity Level 2: Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals or property of any kind.

Building official means the officer charged with the administration and enforcement of the county construction code as set out in chapter 6, article II.

Certificate of appropriateness means a written authorization by the historic preservation board or county staff to the owners of a designated property or any building, structure (including docks and signs) or site within a designated historic district, allowing a proposed alteration, relocation, or the demolition of a building, structure or site. Certificates of appropriateness are divided into the following two classes:

- (1) Regular certificate of appropriateness means a certificate of appropriateness issued by the county staff allowing activities that require the issuance of a building permit but which are classified as ordinary maintenance and repair under the provisions of this chapter and the criteria listed in the U.S. Secretary of the Interior's Standard for Rehabilitation, 36 CFR 67.
- (2) Special certificate of appropriateness means a certificate of appropriateness issued directly by the historic preservation board and required for proposed work that will result in the alteration, demolition, relocation, reconstruction, new construction or excavation of a designated historic resource, based upon the criteria listed in the U.S. Secretary of the Interior's Standard for Rehabilitation, 36 CFR 67.

Certificate to dig means a certificate issued by the county staff or the historic preservation board, authorizing certain clearing, digging, archaeological investigation or archaeological development projects that may involve the exploration of established or suspected archaeological sites in areas of archaeological sensitivity level 1 or 2.

Certified local government means a designated local government meeting the requirements of the National Historic Preservation Act of 1966, as amended, 16 USC 470, which extends some aspects of the federal and state responsibilities for historic preservation to qualified local governments. Under the program, local governments are certified to review and make recommendations to the Florida National Register Review Board concerning nominations to the National Register of Historic Places of properties located within the confines of their local jurisdictions.

Contributing property means any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and

possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a historic resource.

Demolition means the complete removal of a building or structure, or portions thereof, from a site.

Demolition by neglect means the willful abandonment of a building or structure by the owner resulting in such a state of deterioration that its self-destruction is inevitable or where demolition of the building or structure to remove a health and safety hazard is a likely result.

Designation certificate means a certificate issued by the historic preservation board declaring a building, structure, site or district to be a historic resource.

Designation report means a written document indicating the basis for the findings of the historic preservation board concerning the proposed designation of a historic resource pursuant to this chapter.

Exterior means all outside surfaces of a building or structure visible from a public right-of-way or the street easement of the building or structure.

Historic district means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as a historic district, an area may contain both contributing and noncontributing properties.

Historic preservation board or *board* means a board of citizens appointed by the Board of County Commissioners to administer the provisions of this chapter.

Historic resource means any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. Historic resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the county, the state or the United States.

Historic resource database means the compilation of data gathered on historical and archaeological sites in the county, based on the findings of the surveys entitled "Historical and Architectural Survey, Lee County" (1986) and "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida" (1987), and any subsequent historic or archaeological survey.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 USC 470, as such act may be amended, renumbered or replaced, and its implementing regulation, 36 CFR 60, "National Register of Historic Places," as such regulations may be amended, renumbered or replaced.

Noncontributing property means any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and therefore no longer possesses historic integrity, or was not present during the period of historic significance or is incapable of yielding important information about that period.

Ordinary maintenance and repairs means work done to prevent deterioration, decay or damage to a building or structure, or any part thereof, by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner means those individuals, partnerships, corporations or public agencies holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property.

Staff means the county staff persons designated by the county administrator to serve as staff for the historic preservation board and to administer the provisions of this chapter in cooperation with the building official and the zoning director.

Structure means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

Undue economic hardship means an onerous and excessive financial burden that would be placed upon a property owner by the failure to issue a special certificate of appropriateness for demolition, thereby amounting to the taking of the owner's property without just compensation.

Zoning director means the director of the zoning and development review division, or his successor or designee as the person responsible for administering the provisions of chapter 34. (Ord. No. 88-62, § 5, 12-21-88; Ord. No. 90-35, § 1, 6-20-90; Ord. No. 90-54, § 2, 10-17-90; Ord. No. 09-23, § 6, 6-23-09)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 22-4. Penalty for violation of chapter.

(a) Any person, or any agent or representative thereof, who violates any provision of this chapter shall, upon conviction, be subject to the following penalties:

- (1) *Criminal penalties.* Such person shall be punished as provided in section 1-5.
- (2) *Civil penalties.* The following shall be applicable:
 - a. Injunctive relief to enjoin and restrain any person from violating the provisions of this chapter; and
 - b. Revocation, suspension or amendment of any permit granted pursuant to this chapter.

In addition to all other criminal and civil penalties contained in this section, any person applying for a permit after commencing or completing construction of a structure in violation of this chapter shall pay twice the amount of the building permit fee as established by the county administrative codes.

(b) For purposes of this chapter, each day that a violation continues to exist will be considered a separate violation of this chapter, to which both civil and criminal penalties may apply. (Ord. No. 88-62, § 13, 12-21-88)

Secs. 22-5—22-40. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 22-41. Stop work orders.

Any work conducted contrary to the provisions of this chapter shall be immediately stopped upon notice from the building official or his designee that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner or his agent, or to the person doing the work. If none of these persons are immediately available on the construction site to receive the

required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies, the building official shall not be required to furnish written notice of the stop work order.

(Ord. No. 88-62, § 12, 12-21-88)

Sec. 22-42. Appeals.

(a) Any owner of a building, structure or site affected by the operation of this chapter may appeal a decision of the historic preservation board by filing a written notice of appeal within 15 days of the date the written decision of the historic preservation board was rendered. The notice of appeal shall be filed with the hearing examiner and a copy provided to the historic preservation board staff, which shall state the decision being appealed, the grounds for the appeal and a summary of the relief sought.

(b) Appeals shall otherwise be pursued using the procedure set forth in section 34-145(a), pertaining to appeals from administrative matters, and in accordance with the county administrative codes adopted to implement the provisions of chapter 34.

(c) Except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party shall not have standing to appeal a decision rendered under the provisions of this chapter.

(Ord. No. 88-62, § 10, 12-21-88; Ord. No. 90-54, § 3, 10-17-90)

Secs. 22-43—22-70. Reserved.

DIVISION 2. HISTORIC PRESERVATION BOARD*

Sec. 22-71. Establishment; general authority.

There is hereby created a historic preservation board as an agency of the county government in and for the county. The historic preservation board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological and architectural resources in the county, as prescribed by this chapter, under the direct jurisdiction and control of the Board of County Commissioners.

(Ord. No. 88-62, § 6A, 12-21-88)

Sec. 22-72. Membership; compensation of members; removal of members.

(a) The historic preservation board shall consist of seven members appointed by the Board of County Commissioners. Each member of the historic preservation board shall hold office only so long as he is a resident of the county. Appointments shall be made on the basis of a potential member's civic pride, involvement in community issues, integrity, experience and interest in the field of historic preservation. One member of the historic preservation board shall be an architect registered to practice in the state. The Board of County Commissioners shall endeavor to appoint one member of the historic preservation board from each of the following categories:

- (1) History or archaeology.
- (2) Real estate land development or finance.
- (3) Law or urban planning.
- (4) Engineering, architecture, building construction or landscape architecture.

*Cross reference—Administration, ch. 2.

The two remaining positions shall be filled by citizens at large. All members of the historic preservation board must comply with the financial disclosure laws of the state.

(b) Members shall serve overlapping terms of three years. Initially, two members shall be appointed to one-year terms, two members shall be appointed to two-year terms, and three members shall be appointed to full three-year terms. After the initial appointments, all appointments shall be made for three years. A member of the historic preservation board shall be eligible for reappointment. Members of the historic preservation board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the Board of County Commissioners. Prior to the expiration of his term, a member of the historic preservation board may be removed from office only by a three-fifths vote of the entire membership of the Board of County Commissioners. If, however, a member of the historic preservation board fails to attend three consecutive meetings, or four meetings in any one calendar year, the chairman shall certify such fact to the Board of County Commissioners. Upon such certification, that member shall be deemed to have been removed from the historic preservation board and the Board of County Commissioners shall fill the vacancy by appointment.
(Ord. No. 88-62, § 6B, 12-21-88)

Sec. 22-73. Organization; meetings.

The members of the historic preservation board will elect a chairman and a vice-chairman for a one-year term each. The chairman will preside at all meetings and have the right to vote. The vice-chairman will preside in the absence of the chairman. The chairman and vice-chairman may be reelected for an additional one-year term each, but may not serve for more than two consecutive years. The county will provide adequate staff to allow the historic preservation board to perform its duties. Staff will consist of at least one historic preservation planner, and one clerical person responsible for recording and transcribing the minutes of all meetings of the historic preservation board. An Assistant County Attorney will represent the Board of County Commissioners at all meetings of the Historic Preservation Board.

All meetings of the historic preservation board must be open to the public. A record of the minutes and resolutions of the historic preservation board will be maintained and made available for inspection by the public. The historic preservation board will meet at least once per month, at a date and time to be decided by the historic preservation board, unless there is no business pending before the historic preservation board. Regardless of the lack of pending business, the historic preservation board must meet at least four times during any calendar year.

(Ord. No. 88-62, § 6C, 12-21-88; Ord. No. 09-23, § 6, 6-23-09)

Sec. 22-74. Powers and duties.

The historic preservation board shall have the following powers and duties:

- (1) To propose rules and procedures to implement the provisions of this chapter to the Board of County Commissioners.
- (2) To maintain and update the findings of the historical and archaeological surveys and validate those findings.
- (3) To evaluate the significance and eligibility of historic resources for designation pursuant to this chapter.
- (4) To designate eligible historic resources pursuant to this chapter.
- (5) To nominate historic resources to the National Register of Historic Places.

- (6) To approve, deny or approve with conditions applications for special certificates of appropriateness and certificates to dig applicable to historic resources designated pursuant to this chapter.
 - (7) To issue designation certificates, place historical markers and administer other programs aimed at the proper recognition of designated historic resources.
 - (8) To advise the Board of County Commissioners on all matters related to historic preservation policy, including use, administration and maintenance of county-owned designated sites and districts.
 - (9) To recommend zoning and building code amendments to the Board of County Commissioners to assist in the preservation of designated historic resources or districts.
 - (10) To review and make recommendations to the Board of County Commissioners on proposed amendments to the comprehensive plan or land development regulations that may affect designated historic resources and districts or buildings, structures, districts or sites eligible for designation.
 - (11) To propose and recommend to the Board of County Commissioners financial and technical incentive programs to further the objectives of historic preservation.
 - (12) To increase the awareness of historic preservation and its community benefits by promoting public education programs.
 - (13) To record and maintain records of the actions and decisions of the historic preservation board.
 - (14) To apply for, in the name of the county only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.
 - (15) Upon designation as a certified local government, to review and make recommendations concerning National Register of Historic Places nomination proposals to the Florida Review Board.
 - (16) To perform any other function or duty assigned to it by the Board of County Commissioners.
- (Ord. No. 88-62, § 6D, 12-21-88)

Sec. 22-75. Rules and regulations.

The Board of County Commissioners shall develop and propose such rules and regulations as are reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall govern and control the procedures, hearings and actions of the historic preservation board. No such rules and regulations shall become effective until the proposed rules and regulations, and any amendments or modifications thereto, have been approved by the Board of County Commissioners as a county administrative code policy.

(Ord. No. 88-62, § 6E, 12-21-88)

Secs. 22-76—22-100. Reserved.

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 22-101. Required.

No building, moving or demolition permit shall be issued for a designated historic resource, or a building, structure or site which is part of a designated historic or archaeological district, until a certificate of appropriateness has been issued. Except for applications requesting certificates of

appropriateness for noncontributing properties, the criteria for issuance of a certificate of appropriateness (regular or special) shall be the U.S. Secretary of the Interior's Standards for Rehabilitation, 36 CFR 67 (1983), as such standards may be amended, renumbered or replaced, which are hereby adopted by reference as though set forth fully in this article. Applications for certificates of appropriateness for noncontributing properties shall be reviewed using the specific criteria set out in the resolution designating the historic district where the property is located.
(Ord. No. 88-62, § 8, 12-21-88; Ord. No. 90-35, § 3, 6-20-90)

Sec. 22-102. Regular certificate of appropriateness.

(a) A regular certificate of appropriateness shall be required for work requiring a building permit and classified as ordinary maintenance and repair by this chapter, or for any work that will result, to the satisfaction of the county staff, in the close resemblance in appearance of the building, architectural feature or landscape feature to its appearance when it was built or was likely to have been built, or to its appearance as it presently exists so long as the present appearance is appropriate to the style and materials.

(b) The historic preservation board staff shall, within five working days from the date a complete application has been filed, approve, deny or approve with conditions an application for a regular certificate of appropriateness presented by the owner of a designated historic resource or a property within a designated historic district. The findings of the staff shall be mailed by certified mail, return receipt requested, to the applicant within two working days of the staff decision, accompanied by a statement explaining the decision. The applicant shall have an opportunity to appeal the staff decision by applying for a special certificate of appropriateness within 30 calendar days of the date the decision is issued.

(Ord. No. 88-62, § 8A, 12-21-88; Ord. No. 90-35, § 3, 6-20-90)

Sec. 22-103. Special certificate of appropriateness.

(a) *Required.* A special certificate of appropriateness shall be issued by the historic preservation board prior to initiation of any work involving alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original appearance of a designated historic resource or a contributing property within a designated historic district. A special certificate of appropriateness is also required prior to any new construction, reconstruction or alteration of a noncontributing property within a designated historic district. A special certificate of appropriateness may also be issued to reverse or modify a staff decision regarding an application for a regular certificate of appropriateness or a conditional certificate to dig.

(b) *Application.* An applicant for a special certificate of appropriateness shall submit an application to the historic preservation board accompanied by full plans and specifications, a site plan and, in the case of sites involving buildings or structures, samples of materials as deemed appropriate by the historic preservation board to fully describe the proposed appearance, color, texture, materials or design of the building or structure and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage or exterior lighting. The applicant shall provide adequate information to enable the historic preservation board to visualize the effect of the proposed action on the historic resource and on adjacent buildings and streetscapes within a historic district.

(c) *Public hearing.* The historic preservation board shall hold a public hearing upon an application for a special certificate of appropriateness affecting designated historic resources or districts. Notice of the public hearing shall be given to the property owners by certified mail, return receipt requested, and to other interested parties by an advertisement in a newspaper of general circulation at least five calendar days but no sooner than 20 calendar days prior to the date of hearing.

(d) *Action of historic preservation board.* The historic preservation board shall meet and act upon an application for a special certificate of appropriateness on or within 70 calendar days from the date the application and materials adequately describing the proposed action are received. The historic preservation board shall approve, deny or approve the special certificate of appropriateness with conditions, subject to the acceptance of the conditions by the applicant, or suspend action on the application for a period not to exceed 35 calendar days in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the application. Failure of the historic preservation board to act upon an application on or within 70 calendar days (if no additional information is required) or 105 calendar days (if additional information is required by the historic preservation board) from the date the application was received shall result in the immediate issuance of the special certificate of appropriateness applied for, without further action by the historic preservation board.

(e) *Notice of decision.* All decisions of the historic preservation board shall be in writing and shall include findings of fact. Evidence of approval of the application shall be by the special certificate of appropriateness issued by the historic preservation board or the board's designated staff representative. Notice of a decision shall be given to the applicant and to the building official, the zoning director and any other appropriate public agency, as determined by the historic preservation board. When an application is denied, the notice of the historic preservation board shall provide an adequate written explanation of its decision to deny the application. The historic preservation board shall keep a record of its actions under this chapter.

(Ord. No. 88-62, § 8B, 12-21-88; Ord. No. 90-35, § 3, 6-20-90)

Sec. 22-104. Demolition.

(a) Demolition of a designated historic resource or a contributing property within a designated historic district may only occur pursuant to an order of a governmental body or board or an order of a court of competent jurisdiction and pursuant to approval of an application by the owner for a special certificate of appropriateness for demolition.

(b) Governmental agencies having the authority to demolish unsafe structures shall receive notice of the designation of historic resources and districts pursuant to article III of this chapter. The historic preservation board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by such agencies regarding demolition of any designated historic resource or contributing property to a designated historic district. The historic preservation board may make recommendations and suggestions to the governmental agency and the owner relative to the feasibility of and the public interest in preserving the designated resource.

(c) No permit for voluntary demolition of a designated historic resource or contributing site within a historic district shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted to the historic preservation board and approved pursuant to the procedures in this article. The historic preservation board shall approve, deny or approve with conditions the application for a special certificate of appropriateness for demolition. Refusal by the historic preservation board to grant a special certificate of appropriateness for demolition shall be evidenced by a written order detailing the public interest which is sought to be preserved. The historic preservation board may grant a special certificate of appropriateness for demolition which may provide for a delayed effective date of six months to allow the historic preservation board to seek possible alternatives to demolition. During the demolition delay period the historic preservation board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purpose of this chapter. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving the building or other feature.

(d) The historic preservation board shall consider the following criteria in evaluating applications for certificates of appropriateness for demolition of designated historic resources or contributing properties within a designated historic district:

- (1) Is the building or structure of such interest or quality that it would reasonably meet national, state or local criteria for additional designation as a historic or architectural landmark?
- (2) Is the building or structure of such design, craftsmanship or material that it could be reproduced only with great difficulty or expense?
- (3) Is the building or structure one of the last remaining examples of its kind in the neighborhood, the county or the region?
- (4) Does the building or structure contribute significantly to the historic character of a designated historic district?
- (5) Would retention of the building or structure promote the general welfare of the county by providing an opportunity for the study of local history or prehistory, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
- (6) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
- (7) Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions?

(e) Unless demolition has been ordered by a court of competent jurisdiction or another governmental body, a special certificate of appropriateness for demolition of a designated building or structure shall not be issued until there are definite plans for reuse of the property and a building permit or development order for the new construction has been applied for.

(f) If an undue economic hardship is claimed by the property owner as a result of the denial of a special certificate of appropriateness for demolition, the historic preservation board shall have the power to vary or modify adherence to its original decision no later than 35 calendar days from the date the original decision is issued. Any variance or modification of a prior order shall be based upon sufficient evidence submitted by the owner and a subsequent finding by the historic preservation board that retention of the building or structure would deny the owner of all economically viable use of the property, thus creating an undue economic hardship. The owner may present the following evidence as grounds for such a finding:

- (1) For all property, the owner may present:
 - a. The amount paid for the property, the date of purchase and the party from whom purchased;
 - b. The assessed value of the land and improvements thereon according to the two most recent property tax assessments;
 - c. The amount of real estate taxes for the previous two years;
 - d. The annual debt service, if any for the previous two years;
 - e. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - f. Any listings of the property for sale or lease, the price asked and offers received, if any; and
 - g. Any profitable adaptive uses for the property which have been considered by the owner.
- (2) In addition to the items set forth in subsection (f)(1) of this section, the owner may present, for income-producing property:
 - a. The annual gross income from the property for the previous two years;

- b. Itemized operating and maintenance expenses for the previous two years; and
 - c. The annual cash flow, if any, for the previous two years.
- (Ord. No. 88-62, § 8C, 12-21-88; Ord. No. 90-35, § 3, 6-20-90)

Sec. 22-105. Moving permits.

The historic preservation board shall consider the following criteria for applications for special certificates of appropriateness for the moving of all historic resources and contributing properties located within a designated historic district:

- (1) The historic character and aesthetic interest the building or structure contributes to its present setting.
 - (2) The reasons for the proposed move.
 - (3) The proposed new setting and the general environment of the proposed new setting.
 - (4) Whether the building or structure can be moved without significant damage to its physical integrity.
 - (5) Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
 - (6) When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- (Ord. No. 88-62, § 8D, 12-21-88)

Sec. 22-106. Archaeological sites and districts.

(a) *Designation.* The survey entitled "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida" (Piper Archaeological Research, Inc., 1987) will be used as the initial database when considering the designation of areas of archaeological sensitivity level 1.

(b) *Certificate of appropriateness.* A certificate of appropriateness is required prior to the issuance of a development approval for activity within an archaeological site or district designated pursuant to this chapter. Additionally, a certificate of appropriateness is required for new, replacement or enlargement of existing septic tanks, drainfields or other accessory structures associated with septic tank installation, replacement or enlargement. An application for a certificate of appropriateness must be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites.

- (1) The requirements outlined in article III of this chapter apply to all applications and the issuance of all certificates of appropriateness for archaeological sites and districts designated pursuant to this chapter.
- (2) In reviewing the application for a special certificate of appropriateness for a designated archaeological site, the historic preservation board may also require any or all of the following:
 - a. Scientific excavation and evaluation of the site by an archaeologist at the owner's expense.
 - b. An archaeological survey, conducted by an archaeologist, containing an analysis of the impact of the proposed activity on the archaeological site.
 - c. Proposal for mitigation measures.
 - d. Protection or preservation of all or part of the designated archaeological site for green space, in exchange for incentives as provided in article III, division 2, of this chapter.

- (3) To knowingly disturb human burial remains is a third degree felony in the state, pursuant to F.S. ch. 872, pertaining to offenses concerning dead bodies and graves. The law includes prehistoric as well as historic period interments, and aboriginal burial mounds or cemeteries as well as historic period cemeteries. Procedures for dealing with the accidental discovery of unmarked human burials are outlined in F.S. ch. 872. If unmarked human burials are suspected or known in an area under consideration for any certificate of appropriateness, the area must be surveyed by a professional archaeologist to locate the remains. Procedures for dealing with human remains must be carried out according to F.S. ch. 872. Any located human interments should be preserved in place if at all possible. If it is necessary to excavate or otherwise move the remains, every effort must be made to identify and contact persons who may have a direct kinship, tribal, community or ethnic relationship with the deceased in order to arrange for their appropriate reinternment or disposition.

(c) *Certificate to dig.* The survey entitled "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida" will be used to identify areas of archaeological sensitivity levels 1 and 2.

- (1) A certificate to dig is required prior to or in conjunction with the issuance of a final development order for activity within any area of archaeological sensitivity levels 1 and 2 that may involve new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site. If submerged or wetland areas, such as ponds, sloughs or swamps, will be damaged by development or by dredge and fill activities, these areas must also be assessed for their potential to contain significant archaeological sites.
- (2) The purpose of a certificate to dig is to allow sufficient time to conduct any necessary investigations, including the location, evaluation and protection of significant archaeological sites in areas suspected of having such archaeological sites.
- (3) The staff of the historic preservation board must, within 15 calendar days of receipt of a complete application for a certificate to dig, approve the application for a certificate to dig, or approve the certificate to dig subject to specified conditions, including but not limited to a delay not to exceed 60 days to allow any necessary site excavation or additional archaeological assessment prior to commencement of the proposed construction activity. Staff's decision must be based on the application and any other guidelines the historic preservation board may establish. If the approved certificate to dig requires archaeological excavation, the certificate must specify a period of time during which excavation may occur, not to exceed 60 days unless the owner agrees to an extension. The owner must have an archaeologist conduct excavations as necessary during this period. The certificate to dig and any staff findings must be mailed to the applicant by certified mail, return receipt requested, within seven calendar days of its review and approval.
- (4) The applicant has the opportunity to appeal any conditions attached to a certificate to dig by applying for a special certificate of appropriateness within 30 calendar days of the date the conditional certificate to dig is issued. The historic preservation board must convene no later than 50 calendar days after the date a completed application for a special certificate of appropriateness is filed with the staff. Approved certificates to dig must contain an effective date not to exceed 60 calendar days, at which time the proposed activity may begin, unless the archaeological excavation uncovers evidence of such significance that it warrants designation of the archaeological site as a historic resource pursuant to article III of this chapter.
- (5) All work performed pursuant to the issuance of a certificate to dig must conform to the requirements of such certificate. It is the duty of the appropriate county agencies and the staff of the historic preservation board to inspect work for compliance with such certificate. In the event of noncompliance the appropriate county staff has the power to issue a stop work order and all work must cease.

(Ord. No. 88-62, § 8E, 12-21-88; Ord. No. 90-35, § 4, 6-20-90; Ord. No. 09-23, § 6, 6-23-09)

Secs. 22-107—22-140. Reserved.

ARTICLE III. DESIGNATION OF HISTORIC DISTRICTS AND RESOURCES

DIVISION 1. GENERALLY

Secs. 22-141—22-170. Reserved.

DIVISION 2. INCENTIVES

Sec. 22-171. Financial assistance.

All properties designated as historic resources or as a contributing property to a designated historic district shall be eligible for any financial assistance set aside for historic preservation projects by the county, the state or the federal government, provided they meet any additional requirements of those financial assistance programs. The historic preservation board and its staff shall investigate funding sources and make recommendations to the Board of County Commissioners to establish a program providing for transfer of development rights, easements and other local financial assistance programs whenever possible.

(Ord. No. 88-62, § 11A, 12-21-88)

Sec. 22-172. Nomination to National Register of Historic Places.

The historic preservation board shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historic Places in order to make available to those property owners the investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986 and any other programs offered through the National Register of Historic Places.

(Ord. No. 88-62, § 11B, 12-21-88)

Sec. 22-173. Relief from building regulations.

Designated historic resources and contributing properties to a designated historic district may be eligible for administrative variances or other forms of relief from applicable building and zoning codes as follows: Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the Standard Building Code when the proposed work has been approved by a regular or special certificate of appropriateness and also by the building official, pursuant to the authority granted to the building official by other ordinances or statutes, provided that:

- (1) The restored building will be no more hazardous based on considerations of life, fire, sanitation and safety than it was in its original condition.
- (2) Plans and specifications are sealed by a Florida registered architect or engineer, if required by the building official.
- (3) The building official has required the minimum necessary corrections to be made before use and occupancy which will be in the public interest of health, safety and welfare.

(Ord. No. 88-62, § 11C, 12-21-88)

Cross reference—Buildings and building regulations, ch. 6.

Sec. 22-174. Relief from zoning regulations.

The department of community development director may, by written administrative decision, approve any relief request for designated historic resources or contributing properties to a designated historic district, for matters involving setbacks, lot width, depth, area requirements, land development regulations, height limitations, open space requirements, parking requirements, signs, docks, and other similar relief not related to a change in use of the property in question.

- (1) Before granting relief, the director must find that:
 - a. The relief will be in harmony with the general appearance and character of the community.
 - b. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
 - c. The proposed work is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner a reasonable use of his land.
- (2) In granting any relief, the director may prescribe appropriate conditions necessary to protect and further the interest of the area and abutting properties, including but not limited to:
 - a. Landscape materials, walls and fences as required buffering.
 - b. Modifications of the orientation of any openings.
 - c. Modifications of site arrangements.

The owner of a building, structure or site affected by the operation of this chapter and the decision of the director may appeal that decision in accord with section 34-145.

- (3) The procedure for granting parking relief in the Matlacha historic district must be in accordance with the administrative code duly adopted by the Board of County Commissioners. The parking relief procedure will include, but will not be limited to:
 - a. Providing notice by certified mail to property owners within 500* feet, by posted notice and by advertisement in a local paper of general circulation.
 - b. Input from two three-person delegations made up of property owners, residents or registered voters of Matlacha.
 - c. Input from the district commissioners, following staff review of submitted applications for parking relief.
 - d. Availability of third party appeal of the decision to grant parking relief by aggrieved persons.
 - (4) The provisions of section 22-174(3) remain in full force and effect as to any request for parking relief, unless and until an annual sunset review and subsequent determination by a majority of the historic preservation board, prior to March first of each year, indicates that those provisions providing for parking relief in the Matlacha historic district are no longer required. In the event of such a determination, the historic preservation board may make a recommendation to the Board of County Commissioners so that appropriate action regarding the parking provisions may be taken.
- (Ord. No. 88-62, § 11D, 12-21-88; Ord. No. 90-35, § 6, 6-20-90; Ord. No. 90-54, § 4, 10-17-90; Ord. No. 92-34, § 2, 7-15-92; Ord. No. 94-06, § 2, 2-16-94; Ord. No. 01-03, § 3, 2-27-01; Ord. No. 09-23, § 6, 6-23-09)
- *NOTE: In those instances where fewer than ten owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

Cross reference—Zoning, ch. 34.

Sec. 22-175. Variances from floodplain management regulations.

Variances from the floodplain management regulations may be requested pursuant to the terms of chapter 6, article IV.
(Ord. No. 88-62, § 11E, 12-21-88)

Secs. 22-176—22-200. Reserved.

DIVISION 3. PROCEDURE

Sec. 22-201. Initiation of process.

The designation process under this chapter may be initiated by a written petition from the property owner, by a majority vote of the historic preservation board, or at the request of the Board of County Commissioners. The historic resource database shall be used to identify buildings, structures and sites potentially eligible for historic designation.

- (1) *Designation proposed by owner.* When designation is requested by the owner, a written petition for designation shall be filed, accompanied by sufficient information to warrant further investigation of the property and to aid in the preparation of a designation report. The historic preservation board shall, based on the request and information presented, either direct staff to begin or assist in preparation of a designation report, accept and direct the filing of a designation report prepared by the owner, reject a report submitted for filing, or deny the designation petition. Upon the filing of a designation report, the historic preservation board may direct staff to commence the designation and notice process.
- (2) *Designation proposed by historic preservation board or Board of County Commissioners.* Upon the recommendation of staff, a request by a member of the historic preservation board or a request by the Board of County Commissioners, the historic preservation board may direct staff to prepare or assist in preparation of a designation report. Upon completion of the designation report, the historic preservation board may, by majority vote, initiate the designation process by a motion directing staff to file the designation report and begin the notification process.

(Ord. No. 88-62, § 7A, 12-21-88)

Sec. 22-202. Designation report.

Prior to the designation of any historic resource or historic district pursuant to this chapter, a designation report shall be filed with the historic preservation board. The designation report shall contain the following information:

- (1) For individual historic or archaeological buildings, structures or sites:
 - a. A physical description of the building, structure or site and its character-defining features, accompanied by photographs.
 - b. A statement of the historical, cultural, architectural, archaeological or other significance of the building, structure or site as defined by the criteria for designation established by this chapter.
 - c. A description of the existing condition of the building, structure or site, including any potential threats or other circumstances that may affect the integrity of the building, structure or site.
 - d. A statement of rehabilitative or adaptive use proposals.
 - e. A location map, showing relevant zoning and land use information.

- f. Staff recommendations concerning the eligibility of the building, structure or site for designation pursuant to this chapter, and a listing of those features of the building's structure or site which require specific historic preservation treatments.

(2) For historic or archaeological districts:

- a. A physical description of the district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing properties within the district; also, a list of all contributing properties outside the proposed boundaries of the district.
- b. A description of typical architectural styles, character-defining features and types of buildings, structures or sites within the district.
- c. An identification of all buildings, structures and sites within the district and the proposed classification of each as contributing, contributing with modifications, or noncontributing, with an explanation of the criteria utilized for the proposed classification.
- d. A statement of the historical, cultural, architectural, archaeological or other significance of the district as defined by the criteria for designation established by this chapter.
- e. A statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.
- f. A statement of incentives requested, if any, and the specific guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.

(Ord. No. 88-62, § 7B, 12-21-88)

Sec. 22-203. Required notices; action by historic preservation board.

The historic preservation board will hold timely public hearings on every petition for designation made pursuant to this chapter. References in this chapter to calendar days will include Saturdays, Sundays and legal holidays. References in this chapter to working days exclude Saturdays, Sundays and legal holidays.

- (1) *Notice to owner.* The historic preservation board shall notify the property owners of its intent to consider a proposed designation at least 20 calendar days prior to the date of the public hearing. Notice shall be sent by certified mail, return receipt requested, to the record owners of the property as reflected by the current ad valorem tax roll. Prior to the hearing, the county staff shall furnish the owners with copies of the designation report and this chapter. County staff shall make a reasonable effort to contact the owners after mailing the notice of intent to designate, answer the owner's questions and address areas of concern prior to the public hearing.
- (2) *Notification of public hearing.* For each proposed designation pursuant to this chapter, the historic preservation board shall hold a public hearing no sooner than 20 calendar days and no later than 70 calendar days from the date a designation report has been filed with the historic preservation board and notice of the intent to designate sent to the owners. Notice of the public hearing shall be published in a newspaper of general circulation at least five calendar days but no sooner than 20 calendar days prior to the date of the public hearing.
- (3) *Decision deadlines.* Within 14 calendar days after the date of the public hearing, the historic preservation board shall render, by written resolution, its decision approving, denying, or approving with conditions a proposed designation pursuant to this chapter. The rendering of a

decision by the historic preservation board shall constitute final administrative action. The historic preservation board shall notify the following parties of its actions and shall attach a copy of the resolution:

- a. The owner of the affected property.
 - b. The building official.
 - c. The zoning director.
 - d. The county clerk.
 - e. The planning division.
 - f. The department of transportation and engineering.
 - g. The county property appraiser.
 - h. Any other county, municipal, state or federal agency, including agencies with demolition powers, that may be affected by the decision of the historic preservation board.
- (4) *Recording of designation.* All resolutions designating historic resources shall be recorded in the public records of the county within 25 calendar days of the date the historic preservation board renders its decision, unless an appeal of that decision has been filed within the time limits established by this chapter.
- (5) *Suspension of activities.* Upon the filing of a designation report, no permits may be issued authorizing building, demolition, relocation or excavation on the subject property until final administrative action occurs or the expiration of 75 calendar days from the date the designation report is filed with the historic preservation board, whichever occurs first, unless an appeal of the decision of the historic preservation board is filed. If an appeal is filed as provided in this chapter, the suspension of activities will continue in effect for an additional 35 calendar days from the date the historic preservation board renders its decision or until the rendering of a decision on the appeal, whichever occurs first. The property owner may waive the suspension of activities deadlines set out in this section. Waivers must be in the form of a notarized statement to the historic preservation board for inclusion in the board's files. The historic preservation board will notify all affected government agencies of the suspension of activities upon the filing of a designation report. The suspension of activities expires after 60 days if no public hearing is held.
- (Ord. No. 88-62, § 7C, 12-21-88; Ord. No. 90-35, § 2, 6-20-90; Ord. No. 99-05, § 6, 6-29-99)

Sec. 22-204. Criteria for designation.

(a) The historic preservation board shall have the authority to designate historic resources based upon their significance in the county's history, architecture, archaeology or culture, or for their integrity of location, design, setting, materials, workmanship or associations, and because they:

- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state or the nation;
- (2) Are associated with the lives of persons significant in our past;
- (3) Embody the distinctive characteristics of a type, period, style or method of construction or are the work of a master; or possess high artistic value or represent a distinguishable entity whose components may lack individual distinction;
- (4) Have yielded or are likely to yield information on history or prehistory; or
- (5) Are listed or have been determined eligible for listing in the National Register of Historic Places.

(b) A historic resource shall be deemed to have historical or cultural significance if it is:

- (1) Associated with the life or activities of a person of importance in local, state or national history;
- (2) The site of a historic event with a significant effect upon the county, state or nation;
- (3) Associated in a significant way with a major historic event;
- (4) Exemplary of the historical, political, cultural, economic or social trends of the community in history; or
- (5) Associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

(c) A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

- (1) Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
- (2) Embodies the characteristics of an architectural style, period or method of construction;
- (3) Is a historic or outstanding work of a prominent architect, designer or landscape architect; or
- (4) Contains elements of design, detail, material or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the South Florida environment.

(d) A historic resource shall be deemed to have archaeological significance if it meets one or more of the following criteria:

- (1) There is an important historical event or person associated with the site;
- (2) The quality of the site or the data recoverable from the site is significant enough that it would provide unique or representative information on prehistoric or historical events;
- (3) The site was the locus of discrete types of activities such as habitation, religious, burial, fortification, etc.;
- (4) The site was the location of historic or prehistoric activities during a particular period of time; or
- (5) The site maintains a sufficient degree of environmental integrity to provide useful archaeological data. Such integrity shall be defined as follows:
 - a. The site is intact and has had little or no subsurface disturbance; or
 - b. The site is slightly to moderately disturbed, but the remains have considerable potential for providing useful information.

(e) Properties not generally considered eligible for designation include cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, buildings or sites primarily commemorative in nature, reconstructed historic buildings, and properties that have achieved significance less than 50 years prior to the date the property is proposed for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria described in this section or if they fall within one or more of the following categories:

- (1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.

- (2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life.
 - (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
 - (5) A property primarily commemorative in nature if design, age, tradition or symbolic value have invested it with its own historical significance.
 - (6) A building, structure, site or district achieving significance less than 50 years from the date it is proposed for designation if it is of exceptional historical importance.
- (Ord. No. 88-62, § 7D, 12-21-88)

Sec. 22-205. Removal of designation or change in status.

The removal of a historic resources designation or the change in a designation from contributing to non-contributing property (or the reverse) in a designated district may be initiated in one of three ways: (a) by written petition of the property owner; (b) by majority vote of the historic preservation board; or, (c) at the request of the Board of County Commissioners.

- (1) *Removal of designation or change in status initiated by owner.* The owner must file a written petition for removal of designation or change in status. The petition must state with specificity the reason for the request and include sufficient information to support investigation of the property in response to the request. The complete petition or subsequently requested report will be presented to the historic preservation board for action. At that time the historic preservation board may:
 - (a) accept a removal of designation petition and direct it to public hearing;
 - (b) direct that a removal of designation report be prepared by either the staff or the applicant for consideration by the board;
 - (c) reject a report submitted and state the specific reasons for the rejection; or,
 - (d) deny the removal of designation petition and state the reasons for denial.

Notice must be provided in accord with section 22-207 prior to action under this section.

- (2) *Removal of designation or change in status initiated by historic preservation board or Board of County Commissioners.* The historic preservation board has the authority to direct staff to prepare a removal of designation or change in status report based upon a recommendation of County staff, a request from the historic preservation board or direction by the Board of County Commissioners. Once completed, the requested report will be considered by the historic preservation board at a duly noticed meeting.
- (Ord. No. 09-23, § 6, 6-23-09)

Sec. 22-206. Removal of designation or change in status report.

Action by the historic preservation board to accept a removal of a historic resource designation or the change in status from contributing to non-contributing property (or the reverse) must be based upon a report prepared in accord with this section. The report must be in writing and provide specific and detailed information as to why the historic designation applicable to the property should be removed or changed from contributing to non-contributing (or the reverse).

Removal of a historic resource designation or the change in status from contributing to non-contributing property (or the reverse) is appropriate only if the subject property no longer meets the criteria set forth in section 22-204 for the applicable designation.

(Ord. No. 09-23, § 6, 6-23-09)

Sec. 22-207. Notice; action by board; recording.

(a) *Notice to owner.* A notice to the property owner must be filed in accord with section 22-203(1).

(b) *Notice of public hearing.* The county will provide written notice regarding the public hearing in accord with section 22-203(2).

(c) *Decision deadlines.* After review of the report, the historic preservation board must take action in accord with section 22-203(3).

(d) *Recording.* The board's written decision must be recorded as set forth in section 22-203(4).
(Ord. No. 09-23, § 6, 6-23-09)

Secs. 22-208—22-240. Reserved.

ARTICLE IV. MAINTENANCE AND REPAIR OF PREMISES

Sec. 22-241. Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent or discourage the ordinary maintenance and repair of the exterior elements of any historic resource or any property within a designated historic district when such maintenance and repair do not involve a change of design, appearance (other than color) or material, and do not require a building permit.

(Ord. No. 88-62, § 9A, 12-21-88)

Sec. 22-242. Correction of deficiencies generally.

When the historic preservation board determines that the exterior of a designated historic resource, or a contributing property within a designated historic district, is endangered by lack of ordinary maintenance and repair, or that other improvements in visual proximity of a designated historic resource or historic district are endangered by lack of ordinary maintenance, or are in danger of deterioration to such an extent that it detracts from the desirable character of the designated historic resource or historic district, the historic preservation board may request appropriate officials or agencies of the county government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws and regulations.

(Ord. No. 88-62, § 9B, 12-21-88)

Sec. 22-243. Unsafe structures.

If the building official determines that any designated historic resource or contributing property is unsafe pursuant to the provisions of the applicable county ordinances, the building official will immediately notify the historic preservation board by submitting copies of such findings. Where appropriate and in accordance with applicable county ordinances, the historic preservation board shall encourage repair of the building or structure rather than demolition. The building official will, in these instances, take into consideration any comments and recommendations made by the historic preservation board. The historic preservation board may also endeavor to negotiate with the owner and interested parties, provided such actions do not interfere with procedures established in the applicable ordinances.

(Ord. No. 88-62, § 9C, 12-21-88)

Sec. 22-244. Emergency work.

For the purpose of remedying an emergency condition determined to be imminently dangerous to life, health or property, nothing contained in this chapter will prevent the temporary construction, reconstruction, demolition or other repairs to a historic structure, building or site or a contributing or noncontributing property, structural improvement, landscape feature or archaeological site within a designated historic district. Such temporary construction, reconstruction or demolition must take place pursuant to permission granted by the building official, and only such work as is reasonably necessary to correct the emergency conditions may be carried out. The owner of a building or structure damaged by fire or natural calamity will be permitted to immediately stabilize the building or structure and to later rehabilitate it under the procedures required by this chapter. The owner may request a special meeting of the historic preservation board to consider an application for a certificate of appropriateness to provide for permanent repairs.

(Ord. No. 88-62, § 9D, 12-21-88)

Sec. 22-245. Demolition by neglect.

If the staff of the historic preservation board or the building official inform the historic preservation board that a designated historic resource or contributing property within a historic district is being demolished by neglect, as defined pursuant to this chapter, the historic preservation board shall notify the owners of record by certified mail of its preliminary findings and intent to hold a public hearing no later than 35 calendar days from the date the notice was sent to determine evidence of neglect. The owner shall have until the time of the public hearing to make necessary repairs to rectify the evidence of neglect as identified in the certified notice. Upon failure by the owner to abate the structural, health or safety hazards identified in the initial notice within 35 calendar days, the historic preservation board shall hold a public hearing to consider recommending to the building official that the owner be issued a citation for code violation. The owner shall have the right to rebut the preliminary findings of the historic preservation board at the public hearing. If the historic preservation board finds that the building or structure is being demolished by neglect pursuant to this chapter, the historic preservation board may recommend to the building official that the owner be issued a citation for code violations and that penalties be instituted pursuant to this chapter.

(Ord. No. 88-62, § 9E, 12-21-88; Ord. No. 90-35, § 5, 6-20-90)