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Town of Lee Little but Proud

ARTICLE ELEVEN. HISTORIC SITES AND STRUCTURES PRESERVATION REGULATIONS

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SECTION 11.1 PLANNING AND ZONING BOARD DESIGNATED AS THE HISTORIC PRESERVATION AGENCY. The Town Planning and Zoning Board shall serve as the Town Historic Preservation Agency (hereinafter referred to within this Article as Agency) to meet the requirements and carry out the responsibilities of this Article.

SECTION 11.2 POWERS AND DUTIES OF THE AGENCY. In addition to the powers and duties stated within Article 3 of these land development regulations, the Agency shall take action necessary and appropriate to accomplish the purposes of this Article. These actions may include, but are not limited to:

1. Surveying and inventorying of historic buildings and areas and archeological sites and the plan for their preservation;
2. Recommending the designation of historic districts and individual landmarks and landmark sites;
3. Regulating alterations, demolitions, relocations and new construction to designated property;
4. Adopting guidelines for changes to designated property;
5. Working with and advising the federal, state and other appropriate governmental agencies and other agencies or boards of local government;
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation; and
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures.
8. Reviewing applications for historic designation.

SECTION 11.3 DESIGNATIONS OF LANDMARKS, LANDMARK SITES, AND HISTORIC DISTRICTS. A landmark, landmark site or historic district shall be presumed to have historical or archaeological significance if it meets one (1) of the following criteria:

1. It is listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File).
2. It is within a district listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File) and has been requested for such designation by the owner of the site or structure or their agent.

3. It has been requested to be designated by the property owner or their agent upon approval of an application, with information as required by this Article, and amendment of the Historical Resources Map within the Town's Comprehensive Plan (whether or not it is to be submitted for inclusion on the Florida Master Site File or for consideration for the National Register of Historic Places).

SECTION 11.4 APPLICATION REQUIREMENTS. Consideration of the designation of a landmark and landmark site or a historic district shall be initiated by the filing of an application for designation by the property owner. The Town shall charge a fee for each application as provided for in Article 1 of these land development regulations. The applicant shall complete an application form provided by the Land Development Regulation Administrator which shall include:

1. A written description of the architectural, historical, or archeological significance of the proposed historic site or district and specifically addressing and documenting those related points contained the criteria for designation of property within this Article;
2. Date of construction of the structures on the property and the names of the former owners;
3. Photographs of the property; and
4. Legal description and map of the property to be designated as a landmark, landmark site, or historic district.

On applications for the description of historic districts, the applicant shall also submit:

1. Evidence of the approval of the district from two-thirds (2/3) of the property owners; and
2. A written description of the boundaries of the district.

The Land Development Regulation Administrator or their designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete. Applications for such designation shall be considered as applications for amendment of the Historical Resources Map of the Town's Comprehensive Plan and amendment to the Official Zoning Atlas.

SECTION 11.5 PUBLIC HEARINGS FOR DESIGNATIONS. Following the submission of a completed application the Agency shall review the application and conduct a public hearing on the proposed designation. Notice of the public hearing and notice to the owner shall be given in accordance with Chapter 163, Part II, Florida Statutes, as amended, and Article 13 of these land development regulations.

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SECTION 11.6 CRITERIA FOR DESIGNATION OF PROPERTY. The Agency shall recommend the designation of property as a landmark, landmark site, or historic district after the public hearing based upon one (1) or more of the following criteria:

1. Its value is a significant reminder of the cultural or archeological heritage of the city, county, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the city, county, state, or nation.
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, county, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

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SECTION 11.7 AGENCY RECOMMENDATIONS. After evaluating the testimony, survey information and other material presented at the public hearing, the Agency shall make its recommendation to the local governing body on the property or area under consideration. Applications for designation shall be recommended for approval or denial. If the Agency recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section.

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SECTION 11.8 TOWN COUNCIL DECISIONS. The Town Council shall approve, modify or disapprove the proposed designation as an amendment to the Official Zoning Atlas and the Historic Resources Map of the Town's Comprehensive Plan after meeting the requirements for amending the Zoning Atlas as provided in Chapter 165, Part II, Florida Statutes, as amended, for amendment of the Comprehensive Plan and Article 13 of these land development regulations.

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SECTION 11.9 SUCCESSIVE APPLICATIONS. Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal unless the Agency waives said waiting period based upon consideration of the following factors:

1. There is presented with such new written petition new evidence bearing upon the subject matter of the written petition, which could not reasonably have been presented to the Agency at the time of the previous hearing on the written petition; or
2. Failure to waive said twelve (12) months waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matter of consideration.

SECTION 11.10 AMENDMENTS AND RESCISSIONS. The designation of any landmark, landmark site, or historic district may be amended or rescinded through the same procedure utilized for the original designation.

SECTION 11.11 APPROVALS OF CHANGES TO LANDMARKS AND LANDMARK SITES.

11.11.1 Certificate of Appropriateness. No person may undertake the following actions affecting a designated landmark, or a designated landmark site without first obtaining a Certificate of Appropriateness from the Agency:

1. Alteration of an archeological site or the exterior part of a building or a structure;
2. New construction;
3. Demolition; or
4. Relocation.

11.11.2 Review of New Construction and Alterations. Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes visible to the public. Whenever any alteration, new construction, demolition or relocation is undertaken on a designated landmark or a designated landmark site, without a Certificate of Appropriateness, the Land Development Regulation Administrator is authorized to issue a Stop Work Order. A Certificate of Appropriateness shall be in addition to any other building permits required by law. The issuance of a Certificate of Appropriateness from the Historic Preservation Agency shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

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Ordinary repairs and maintenance, that are otherwise permitted by law, may be undertaken without a Certificate of Appropriateness provided' this work on a designated landmark or a designated landmark site does not alter the exterior appearance of the building, structure, or archeological site, or alter elements significant to its architectural or historic integrity.

No Certificate of Appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this Article shall be effective for a period of fifteen (15) days subsequent to the Agency's decision. If during that fifteen (15) day period an appeal is made to the Town Council, the decision of the Agency shall automatically be stayed pending Town Council review.

11.11.3 Application Procedures for Certificates of Appropriateness.

Each application for a Certificate of Appropriateness shall be accompanied by the required fee. The Land Development Regulation Administrator shall forward to the Agency each application for a permit that would authorize an alteration, new construction, demolition or relocation affecting a

designated landmark or a designated landmark site. The applicant shall complete an application form provided by the Land Development Regulation Administrator containing in part the following information:

1. Drawings of the proposed work;
2. Photographs of the existing building or structure and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator or their designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete .

- 11.11.4 Public Hearings for Certificates of Appropriateness. The Agency shall hold a public hearing on each Certificate of Appropriateness on a completed application in accordance with the public hearing procedures forth in Article 13 of these land development regulations. The Agency shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this section.

In approving or denying applications for Certificates of Appropriateness for alterations, new construction, demolition, or relocation, the Agency shall use the following general guidelines:

1. The effect of the proposed work on the landmark or the property upon which such work is to be done;
2. The relationship between such work and other structures on the historic housing site or other property in the historic district;
3. The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

No Certificate of Appropriateness for demolitions shall be issued by the Agency until the applicant has demonstrated that no other feasible alternative to demolition can be found. The Agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition. On all demolition applications, the Agency shall study the question of economic hardship for the applicant and shall determine whether the landmark can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Agency shall also determine whether the applicant can obtain a reasonable return from his or her existing building. The Agency may ask applicants for additional information to be used in making these determinations including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, Agency shall deny the demolition application.

The Agency may grant a Certificate of Appropriateness for demolition even though the designated landmark or designated landmark site has reasonable beneficial use if:

1. The Agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The Agency determines that the demolition of the designated property is required by a community redevelopment plan or the Town's Comprehensive Plan.

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