

# Town of Fort Myers Beach

## Memorandum

**To:** LPA/HPB members  
**From:** Josh Overmyer, CFM, Planning Coordinator  
**Date:** September 27, 2013  
**Re:** HPB Ad Hoc Committee Report on Historic Preservation

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Attached, you will find a compilation of the progress of the HPB Ad Hoc committee, which has been working to fill in the gaps of Land Development Code Chapter 22, Historic Preservation. At a recent Historic Advisory Committee meeting, it was determined that provisions of the LDC for designating a historic resource were too onerous for all but the most important historic resources. The committee felt there should be varying degrees of historic importance, and the ad hoc committee has worked to define those differences and put together a plan for recognizing the historic value of a variety of structures and districts within the Town.

To begin, considerable effort was made to identify and inventory the historic resources within the Town. Combing through historical site files from the 1980s and 1990s from Lee County records, as well as current Lee County Property Appraiser data and telephone book records held by the Estero Island Historical Society, a map and spreadsheet were compiled to serve as the basis for establishing historic districts.

In furtherance of the goals to recognize historical value of existing structures, Joanne Shamp put together a brochure detailing some of the architectural details of historic merit, to go along with model applications for the different categories of historic importance. Examples of the brochure and applications are attached. Also attached is some outreach material that could be sent to owners of properties on the historic structures inventory and/or run in the local newspapers to reach a wider audience.

Suggested LDC Chapter 22 changes have also been provided to accomplish the different categories of historic importance.

TABLE OF CONTENTS

CREATION OF COMMITTEE-----2

REVIEW OF COMPREHENSIVE PLAN AND LDC AUTHORITY-----2 – 3

5 PROPOSED OBJECTIVES-----4

OBJECTIVE 1: ESTABLISH HISTORIC DISTRICTS (FMBHD)-----5 – 13

OBJECTIVE 2: ESTABLISH CATEGORIES OF HISTORIC IMPORTANCE (CHI)-----14 – 16

OBJECTIVE 3: CHI DETERMINATION PROCESS-----17 - 18

APPLICATION FORM FOR CHI2, CHI3, CHI4-----19 - 20

DESIGNATION PROCESS FOR CHI1-----22 – 28

OBJECTIVE 4: PLAQUE DESIGNS-----29 – 33

OBJECTIVE 5: REVISIONS TO LDC AND AMENDMENTS TO COMPREHENSIVE PLAN-----34 – 46

PROMOTING THE PRESERVATION AND PLAQUE PROGRAM-----47 – 50

BOUNDARIES AND CONTRIBUTING/NON-CONTRIBUTING PROPERTIES FOR HISTORIC DISTRICTS-----TBA

HPB *ad hoc* COMMITTEE REPORT ON HISTORIC PRESERVATION PROCESS

OCTOBER 8, 2013 HPB WORKSHOP

CREATION OF AD HOC-COMMITTEE

At the May 14, 2013 meeting of the Historic Preservation Board, Chair Plummer explained that there were 60+ properties on the Committee's Historical Significance List that they would like to pursue, however, after looking at the Comprehensive Plan, it only addressed the designations. She stated the HAC wanted to move forward with two historical designations and seven significant recognitions; however, they had no forms and looked to the LPA Attorney for guidance. She asked if there needed to be language in the Comprehensive Plan to have a historical significance plaque. She noted the committee was receiving resistance due to restrictions placed on sites with a historic designation and the long process to become a historically designated site. She asked if there needed to be language in the Comprehensive Plan to have a historic significance plaque. Community Development Director Fluegel suggested the HAC work with Planning Coordinator Overmyer to determine how the historical recognition differentiates from the historical designation process; and then contemplate a process for historical recognition. LPA Attorney Miller noted she was unaware of any specific requirement in the Comprehensive Plan and believed the Comprehensive Plan was more of a general guidance; but, she did believe there was a need in the LDC to specify what the criteria would be and what would be the effect. She reported she spoke with Planning Coordinator Overmyer and she felt the recognition would not carry any particular property rights (i.e. non-conforming status). She recommended the HAC should include something in the LDC. Chair Plummer explained her belief that the HAC had already done what was suggested and that the Committee now needed assistance in moving forward. Ms. Shamp stated she would assist Ms. Plummer to prepare a written proposal for discussion at a future HAC meeting and for review by staff and the LPA Attorney.

Discussion was held concerning a workshop to address the historical designation/significance designation process; and it was decided that Zoning Coordinator Chapman would verify a date in June (6/12/13 at 1:00 pm – Plummer, Shamp, and Kakatsch) when the Council Chambers would be available for an *ad hoc* workshop. The *ad hoc* committee met June 12, July 23 and August 21, 2013 to discuss topics as this report was prepared. In addition, Joanne Shamp, AJ Bassett and Fran Santini conducted windshield surveys of structures and neighborhoods to identify historic resources. In addition, Joanne Shamp and AJ Bassett reviewed all historic files from the 1986 and 1992 Lee County surveys and updated site addresses for accuracy.

REVIEW OF COMPREHENSIVE PLAN AND LDC

Comprehensive Plan OBJECTIVE 13-F supports development of “programs to aggressively identify, document, and evaluate historic and archaeological resources in and around the Town of Fort Myers Beach in order to encourage their long-term protection”.

Guidance on a process includes:

- POLICY 13-F-1 use of *ad hoc* committees to make recommendations to the LPA and Town Council.
- POLICY 13-F-2 Acquire high quality reproductions of all files and photographs from the Florida Master Site File and Florida Archives for buildings on Estero island, and make copies available to the public at Town Hall and the library.
- POLICY 13-F-32 Review and update Lee County's 1986 and 1992 surveys of historic buildings on Estero island.
- POLICY 13-F-5 Continue the program begun by Lee County for formally designating historic and archaeological resources
- POLICY 13-F- Request Estero Island Historic Society to identify appropriate buildings or sites for nomination by the town to the National Register of Historic Places.
- POLICY 13-F-8 Recognize historic buildings through plaques, certificates, historic markers, awards, programs or certificates of historical or archaeological significance.
- POLICY 13-F-9 develop a process and criteria for scenic resources, view corridors and vistas.

In addition, LDC Sec. 22-71 to 22-74 vests the HPB with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archaeological and architectural resources as prescribed by Chapter 22.

**Sec. 22-71. General authority.**

The local planning agency, as established through ch. 34, article II, division 3 of this code, shall serve as the historic preservation board for the Town of Fort Myers Beach. 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 town, as prescribed by this chapter.

**Sec. 22-72. Reserved.**

**Sec. 22-73. Reserved.**

**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 town council.
- (2) To maintain and update the findings of the historical and archaeological surveys and validate those findings.
- (3) To evaluate the ~~significance and eligibility~~ level of importance of historic resources, and eligibility 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 certificates, place historical Markers and plaques, and administer other programs aimed at the proper recognition of designated historic resources.
- (8) To advise the town council on all matters related to historic preservation policy, including use, administration, and maintenance of town-owned designated sites and districts.
- (9) To recommend zoning and building code amendments to the town council to assist in the preservation of designated historic resources or districts.
- (10) To review and make recommendations to the town council on proposed amendments to the comprehensive plan or this code that may affect designated historic resources and districts or buildings, structures, districts, or sites eligible for designation.
- (11) To propose and recommend to the town council 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 town only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.
- (15) To perform any other function or duty assigned to it by the town council.

## **5 OBJECTIVES PROPOSED TO UPDATE THE HISTORIC PRESERVATION PROCESS AND COMP PLAN/LDC**

### **1. Establish 4 Fort Myers Beach Historic Districts (FMBHD1 through FMBHD4):**

- FMBHD1 - EARLY BAYSIDE COTTAGE DISTRICT (Primo to Pearl, incl. 1st bayside canals & most of Master Site File)
- FMBHD2 - CORE HISTORIC VILLAGE (Bay Street area, including Estero Island Historic Society and Matanzas Pass)
- FMBHD3 - CORE BEACHFRONT COTTAGE DISTRICT (3000 – 4000 block)
- FMBHD4 - SOUTH BEACHFRONT COTTAGE DISTRICT (STERLING/ABERDEEN AREA, including largest group of remaining cottages between Estero Boulevard and the beach)

Basis in Comprehensive Plan: *POLICY 13-F-6 - designate one or more historic districts, which would include most of the buildings listed on the Florida Master Site File.*

### **2. Establish 4 Categories of Historic Importance (CHI1 through CHI4)**

- CHI1 - HISTORIC DESIGNATION – meets requirements for County, State or National designation. Includes resources eligible for National register of Historic Places. May include archaeological importance or potential. LDC Chapter 22, Article II, Division 3 and Division 4 would apply only to this Category of Historical Importance.
- CHI2 - HISTORIC RECOGNITION – meet requirements for higher importance to social, education, religious, commercial, or tourism heritage
- CHI3 - HISTORIC SIGNIFICANCE – includes structures that are located in and contribute to a historic district
- CHI4 - HISTORIC INTEREST – includes vistas

Basis in Comprehensive Plan page 13-17: *Once potential historic resources have been identified, they can be evaluated according to their importance to the community, (or more broadly to the state and nation). This evaluation can measure architectural merit, relation to the surrounding historic buildings, or role of a specific building in historic occurrences of the community.*

Basis in Comprehensive page 13-19 (note recommended removal of word significant): *Once resources are identified and evaluated, their relative importance can be recognized by different means. They can be identified in some visible way (for instance, with a sign) as a ~~significant~~ contributing part of the town's heritage. Formal "designation" is another approach, where a building is added to a local and/or register of historic sites.*

### **3. Further Develop Application Process for Category of Historic Importance (CHI):**

Further develop the application and hearing process already established in the LDC to create simplified application forms to the HPB for determination of Category of Historic Importance (CHI1- CHI4) for each historic or archaeological resource within the Town of Fort Myers Beach.

Basis in Comprehensive Plan and LDC Sec. 22-204 and LDC Sec. 22-201.

### **4. Establish plaque designs appropriate for each Category of Historic Importance.**

The CHI1 category shall maintain the large plaque size currently used for Historic Recognition and already in place on several designated structures. The CHI2 and CHI3 categories shall have a smaller round plaque identifying the date of construction and possibly the historic district it contributes to. The CHI4 category vistas shall have descriptive informational signs, possibly with QR codes.

Basis in Comprehensive Plan: *POLICY 13-F-8 - Recognize historic buildings through plaques, certificates, historic markers, awards, programs or certificates of historical or archaeological significance.*

### **5. Update LDC and Comprehensive Plan.**

Basis in LDC: *Sec. 22-74 (9) and (10).*

**Objective 1**  
**Establish 4 Fort Myers Beach Historic Districts (FMBHD1 through FMBHD4)**

- FMBHD1 - EARLY BAYSIDE COTTAGE DISTRICT (Primo to Pearl, including first bayside canals and most of Master Site File)
- FMBHD2 - CORE HISTORIC VILLAGE (Bay Street area, including Estero Island Historic Society and Matanzas Pass )
- FMBHD3 - CORE BEACHFRONT COTTAGE DISTRICT (3000 – 4000 block)
- FMBHD4 - SOUTH BEACHFRONT COTTAGE DISTRICT (STERLING/ABERDEEN AREA, including largest group of remaining cottages between Estero Boulevard and the beach)

The following Historic Resource Database is a compilation of data gathered on historical and archaeological sites in the town, based upon the 1986, 1987 and 1992 Lee County Surveys and a 2013 historic structure/site survey by the HPB *ad hoc* committee based upon visual inspection, property records from the Lee County Property Appraisers website and telephone book records held by the Estero island Historical Society.

ADDRESS	STRAP NUMBER	CTY SURVEY #	COMP PLAN #	CHI CATEGORY #	CHI DATE
768 Oak Street			LEFB001		
782 Oak Street			LEFB002		
786 Oak Street			LEFB003		
Oak Street			LEFB004		
Oak Street			LEFB005		
1249 Oak Street		LEFTB006	LEFB006		
San Carlos Drive			LEFB007		
820 San Carlos Drive		LEFB010			
323 Crescent Steet		LEFB011	8LL01103		
340 Crescent Street	194624W40150E0170	LEFB012	8LL01104		
1172 Estero Blvd	194624W40140B0020	LEFB014	8LL01116		
1207 Estero Blvd	194624W40150D0050	LEFB015	8LL01153		
124 Primo Street	194624W40060H0250	LEFB016	8LL01154		
233 Delmar	194624W40100F0120	LEFB018			
205 Pearl Street	194624W4004270000	LEFB019	8LL01142		
81 Miramar Street	194624W40080C0050	LEFB020	8LL01133		
1401 Santos Street	194624W40060A0320	LEFB021	8LL01156		
1339 Santos Street	194624W40060A0340	LEFB022	8LL01155		
73 Alva	194624W40070C0050	LEFB030	8LL01125		
1550 I Street	194624W40070C0100	LEFB031	8LL01126		
71 Avenue E	194624W40070B004A	LEFB038	8LL01107		
1660 Estero Blvd	194624W40070B001B	LEFB039			
61 Miramar Street	194624W40080C0010	LEFB040	8LL01134		
41 Pearl Street	194624W4004440000	LEFB042	8LL01143		
124 Pearl Street	194624W400423004A	LEFB044	8LL01144		
2101 Estero Blvd	194624W4004210000	LEFB045	8LL01106		
451 Connecticut	294624W2001460010	LEFB050	8LL01101	CHI1	
Sanders Drive	VISTA	LEFB051	8LL01151		
Sanders Drive	VISTA	LEFB052	8LL01152		

4330 Estero Blvd	294624W30080A0030	LEFB055	8LL01148
4150 Estero Blvd	294624W30070C0010	LEFB056	8LL01100
3900 Estero Blvd	294624W30050F0010	LEFB057	8LL01118
3880 Estero Blvd	294624W2001840010	LEFB058	8LL01119
3770 Estero Blvd	294624W1001810030	LEFB059	8LL01120
3750 Estero Blvd	294624W1001810020	LEFB060	8LL01121
<b>Estero Blvd</b>	<b>No photo file found</b>	LEFB061	
3107 Estero Blvd	294624W10020C0190	LEFB066	8LL01109
3048 Estero Blvd	<b>combined with 3040</b>	LEFB067	8LL01108
3040 Estero Blvd	294624W1001000220	LEFB068	8LL01122
3040 Estero Blvd	294624W1001000220	LEFB069	8LL01123
<b>3000 Estero Blvd</b>	<b>No photo file found</b>	LEFB072	
125 Madison Court	294624W10020D0140	LEFB073	8LL01127
3311 Estero Blvd	294624W10030B0120	LEFB074	8LL01128
3580 Estero Blvd	294624W1001000010	LEFB075	8LL01102
3532 Estero Blvd	294624W1001000040	LEFB076	8LL01129
3450 Estero Blvd	294624W1001000070	LEFB077	8LL01124
3370 Estero Blvd	294624W1001000090	LEFB078	8LL01115
3370 Estero Blvd	294624W1001000090	LEFB079	8LL01113
3370 Estero Blvd	294624W1001000090	LEFB080	8LL00789
3320 Estero Blvd	294624W1001000110	LEFB081	8LL01136
3280 Estero Blvd	294624W1001000130	LEFB082	8LL01110
2890 Seaview Street	304624W2003M00080	LEFB085	8LL01157
2878 Seaview Street	304624W2003M00070	LEFB086	8LL01158
2880 Seaview Street	304624W2003M00070	LEFB087	8LL01159
2880 Estero Blvd	304624W2003M0015A	LEFB088	8LL01160
53 Pompano Street	304624W20020B0240	LEFB089	8LL01145
2704/2706 Estero Blvd	304624W20020B0260	LEFB090	8LL01146
2686 Estero Blvd	194624W20020B0180	LEFB091	8LL01147
2450 Estero Blvd		LEFB092	8LL01130
<b>Estero Blvd</b>	<b>demolished</b>	<b>LEFB093</b>	<b>8LL01131</b>
<b>Gulf Beach Road</b>	<b>demolished</b>	<b>LEFB094</b>	<b>8LL01132</b>
67 Canal Street			8LL01535
259 Carolina Avenue	194624W40060A0110		8LL01536
265 Carolina Avenue	194624W40060A0090		8LL01537
290 Carolina Avenue	194624W4004030000		8LL01538
166 Chapel Street	194624W30120B0090		8LL01539
2430 Cottage Avenue	194624W30120A0200		8LL01540
136 Delmar Avenue	194624W30100B0130		8LL01541
200 Delmar Avenue	194624W30100C0010		8LL01542
270 Delmar Avenue	<b>demolished</b>		8LL01543
1270 Estero Blvd	194624W40070F001A		8LL01544
2090 Estero Blvd	<b>demolished</b>		<b>8LL01545</b>
3120 Estero Blvd	<b>demolished</b>		<b>8LL01546</b>
3502 & 1/2 Estero Blvd	294624W1001000060		8LL01547
3580 Estero Blvd	294624W1001000010		8LL01548

4501 Estero Blvd	294624W30080F0040	8LL01549	
241 Fairweather Lane	194624W30110C0230	8LL01550	
261 Fairweather Lane	194624W30110C0250	8LL01551	
273 Fairweather Lane	194624W30110C0270	8LL01552	
1480 I Street	194624W40070D0100	8LL01554	
110 Mango Street	194624W30120D0020	8LL01556	
160 Mango Street	194624W30120D0090	8LL01557	
116 Miramar Street	194624W40080A0030	8LL01558	
120 Miramar Street	194624W40080A0040	8LL01559	
163 Miramar Street	194624W40080B0100	8LL01560	
270 Miramar Street	194624W40080A0260	8LL01561	
232 Ohio Avenue	194624W40090E0050	8LL01562	
251/253 Ohio Avenue	194624W40090F0080	8LL01563	
298 Ohio Avenue	demolished	8LL01564	
201 Palermo Circle	194624W40060G0150	8LL01565	
261 and 263 Palermo Circle	194624W40060G0040	8LL01566	
271 Palermo Circle	194624W40060G0030	8LL01567	
405 Palermo Circle	demolished	8LL01568	
460 Palermo Circle	194624W40060F0010	8LL01569	
501 Palermo Circle	194624W40060E0010	8LL01570	
180 Pearl Street	194624W4004240000	8LL01571	
214/216 Pearl Street	194624W4004140000	8LL01572	
140 Primo Drive	194624W40060H0230	8LL01573	
150 Primo Drive	194624W40060H0220	8LL01574	
162 Primo Drive	194624W40060H0200	8LL01575	
163 Primo Drive	194624W40150D0090	8LL01576	
180 Primo Drive	194624W40060H0180	8LL01577	
191 Primo Drive	194624W40150D0120	8LL01578	
241 and 243 Primo Drive	194624W40150D0200	8LL01579	
259 Primo Drive	194624W40150D0230	8LL01580	
209 Virginia Avenue	194624W40090D0010	8LL01586	
71 Pearl Street	194624W40044200A0	8LL01587	
259 Ohio Avenue	194624W40090F0090	8LL01588	
161 Bay Road	194624W30020I0010		CHI1
161 Bay Road	194624W30020I0010	8LL01791	CHI1
2751 Oak Street	194624W3002J00040		CHI1
251 Pearl Street	194624W4004330000		CHI1
385 Estero Blvd	244623W10070D0250		CHI1
5601 Williams Drive	284624W30020C0010		CHI1
4650 Estero Blvd	294624W30080H0010		CHI1
The Pier at Times Square	244623W3000220000		CHI1
130 Connecticut Street	294624W1001510010		
155 Bay Road	194624W3002K00010		
100 Chapel Street	194624W30120B0010		
6025 Estero Blvd	334624W2000070000		

1250 Estero Blvd	194624W40070F0010
3001 Estero Blvd	294624W1001451000
2670 Estero Blvd	194624W30020B0140
237 Old San Carlos Blvd	244623W30050A0080
2932 Estero Blvd	304624W2000010000
1698 Estero Blvd	194624W40070B001A
1750 Estero Blvd	194624W40080C0060
2563 Cottage Ave	194624W3013040000
1249 Estero Blvd	194624W40060H0300
1901 Estero Blvd	194624W40090B0080
6500 Estero Blvd	334624W30200000CE
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3751 Estero Blvd	294624W2001540030
1204 Estero Blvd	194624W40140A0030
1741 Estero Blvd	194624W40080B0010
1821 Estero Blvd	194624W4004050000
1028 Estero Blvd	244623W3000170000
1133 Estero Blvd	244623W3000060000
175 Sterling Avenue	334624W2000040000
291 Palermo Circle	194624W40060G0010
1051 Fifth Avenue	
108/116 Crescent Street	194624W40150E0030
2543 Cottage Street	194624W30120A013A
5689 Estero Blvd	334624W200300007B
103 Hercules Street	294624W30060B0010
2301 Estero Blvd	194624W30110D0010
3043 Estero Blvd	294624W10120C009A
501 Palermo circle	194624W40060E0010
1154 Estero Blvd	244623W3000110000
80 Avenue E	194624W40070A0020
401 San Carlos Blvd	244623W30030A0010

VISTA

2330 Estero Blvd	194624W30120A001B
118 Crescent Street	194624W40150E0040
50 Aberdeen	334624W20030C0010
4451 Estero Blvd	294624W30080C0010
5755 Estero Blvd	334624W20030D0170
191 Aberdeen	334624W20030D0100
139 Chapel Street	194624W30120D0150
2621 Estero Blvd	194624W30020C0140
139 Chapel Street	194624W30120D0150
2908 Seaview Street	304624W2003M00090
2141 Estero Blvd	194624W4004220000
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5664 Estero Blvd	334624W2002050010

VISTA-demolished

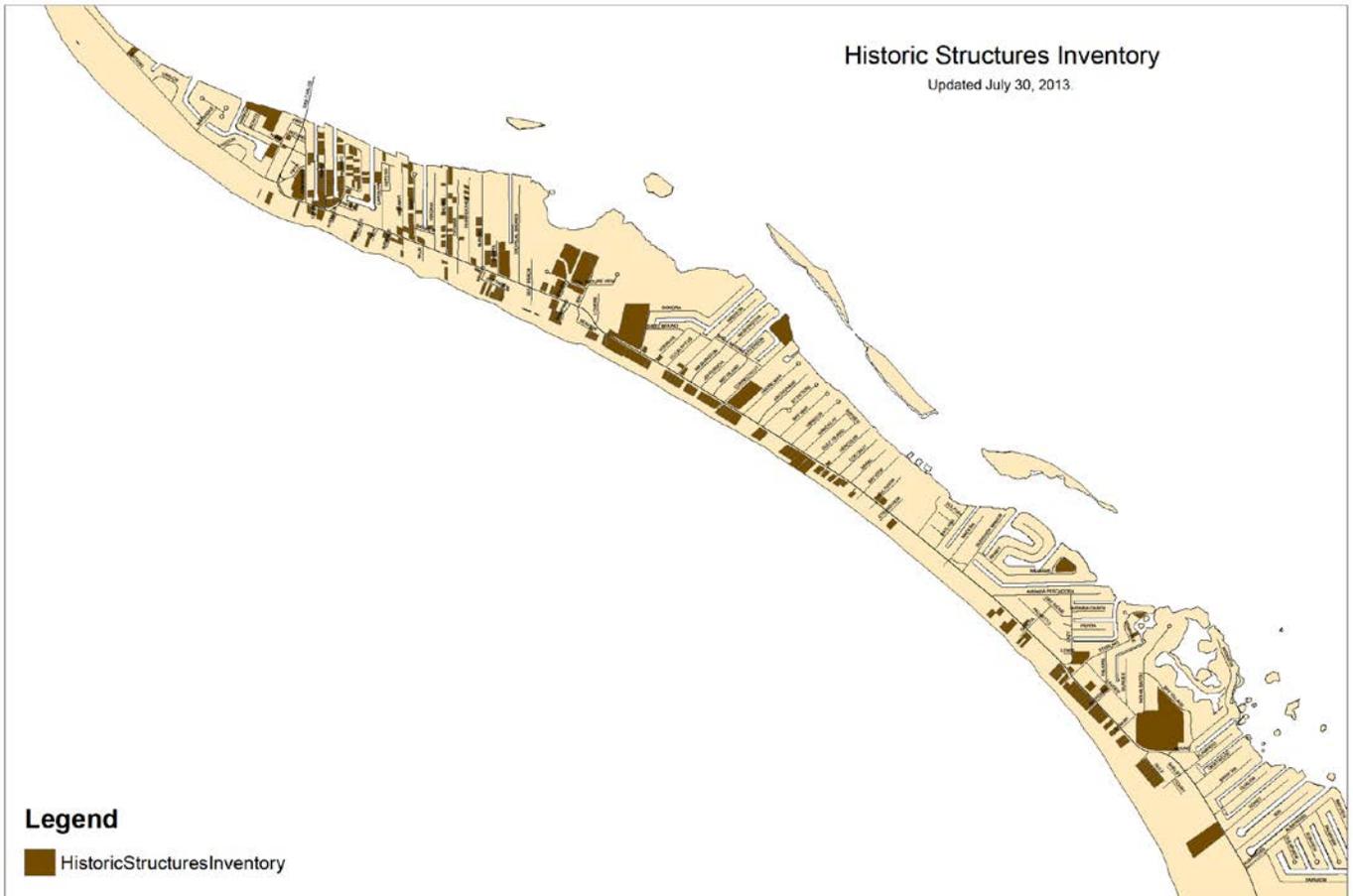
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93 Sterling	334624W200205042B
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5698 Estero Blvd	334624W20030A3000
98 Sterling	334624W20030B001A
5720 Estero Blvd	334624W20030B0020
5730 Estero Blvd	334624W20030B0030
5740 Estero Blvd	334624W20030B0040
5750 Estero Blvd	334624W20030B0050
5760 Estero Blvd	334624W20030B0060
5770/74 Estero Blvd	334624W20030B0070
5790 Estero Blvd	334624W20030B0080
50 Aberdeen	334624W20030C0010
5820 Estero Blvd	334624W20030C0020
5830 Estero Blvd	334624W20030C0030
5840 Estero Blvd	334624W20030C0040
5860 Estero Blvd	334624W20030C0060
5890/94 Estero Blvd	334624W20030C0080
5920 Estero Blvd	334624W20040G0020
5930 Estero Blvd	334624W20040G0030
340 Old San Carlos Blvd	244623W3002030010
309 Old San Carlos Blvd	244623W30050A0080
401 Old San Carlos Blvd	244623W30030A0010
430 Old San Carlos	244623W3002020020
440 Old San Carlos	244623W3002020010
450 Harbor Court	244623W3000270000
51 Pompano	304624W20020B0230
320 Crescent Street	194624W40150E014B
1188 Estero Blvd	194624W40140B0010
1190 Estero Blvd	194624W40140B0010
1167 Estero Blvd	194624W40150E001A
1204 Estero Blvd	194624W40140A0030
1249 Estero Blvd	194624W40060H0300
290 Carolina Avenue	194624W4004030000
117 Palermo Circle	194624W40060H0280
121 Palermo Circle	194624W40060H0270
127 Palermo Circle	194624W400600Y000
139 Palermo Circle	194624W40060G0190
145 Palermo Circle	194624W40060G0180
581 Palermo Circle	194624W40060E0080
580 Palermo Circle	194624W40060F0030
505 Palermo Circle	194624W40060E0030
459 Palermo Circle	194624W40060D0110
456 Palermo Circle	194624W40060F0060

455 Palermo Circle	194624W40060D0100
453 Palermo Circle	194624W40060D0090
450 Palermo Circle	194624W40060F0070
447 Palermo Circle	194624W40060D0080
440 Palermo Circle	194624W40060F0090
432 Palermo Circle	194624W40060F0100
424 Palermo Circle	194624W40060F0130
386 Palermo Circle	194624W40060F0160
380 Palermo Circle	194624W40060F0170
246 Palermo Circle	194624W40060F0210
241 Palermo Circle	194624W40060G0090
231 Palermo Circle	194624W40060G0100
234 Palermo Circle	194624W40060F0240
230 Palermo Circle	194624W40060F0250
220 Palermo Circle	194624W40060F0270
211 Palermo Circle	194624W40060G0140
155 Palermo Circle	194624W40060G0170
255 Primo Street	194624W40150D0220
239 Primo Street	194624W40150D0190
215 Primo Street	194624W40150D0150
207 Primo Street	194624W40150D0140
171 Primo Street	194624W40150D0110
167 Primo Street	194624W40150D0100
153 Primo Street	194624W40150D0080
143 Primo Street	194624W40150D0070
141 Primo Street	194624W40150D0060
120 Primo Street	194624W40060H026A
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170 Primo Street	194624W40060H0190
190 Primo Street	194624W40060H0170
271 Primo Street	194624W40150D0250
2430 Cottage Avenue	194624W30120A0200
2440 Cottage Ave	194624W30120A0180
2520 Cottage Ave	194624W30120A016A
2522 Cottage Ave	194624W30120A016B
2550 Cottage Ave	194624W30120A014A
2548 Cottage Ave	194624W30120A0150
50 Chapel Street	194624W30120A0170
2916 Seaview Street	304624W2003M00100
2671 Estero Blvd	194624W30020C0230
145 Chapel Street	194624W30120D0140
151 Chapel Street	194624W30120D0130
112 Mango Street	194624W30120D0030
126 Mango Street	194624W30120D0040
136 Mango Street	194624W30120D0060
130 Mango Street	194624W30120D0040

206 Mango Street	194624W30120C0010		
209 Mango Street	194624W30120E0110		
215 Mango Street	194624W30120E0130		
211 Mango Street	194624W30120E0120		
235 Mango Street	194624W30120E0150		
245 Mango Street	462419W30120E0160		
257 Mango Street	194624W30120E0170		
110 Pearl Street	194624W400423003A		
125 Pearl Street	194624W4004350000	LEFB043	8LL01141
129 Pearl Street	194624W4004350040		
130 Pearl Street	194624W400423005A		
134 Pearl Street	194624W400423006A		
137 Pearl Street	194624W4004350020		
140 Pearl Street	194624W400423007A		
159 Pearl Street	194624W4004370000		
160 Pearl Street	194624W4004230040		
163 Pearl Street	194624W4004380000		
190 Pearl street	194624W4004120010		
200 Pearl Street	194624W4004120000		
210 Pearl Street	194624W4004130000		
223 Pearl Street	194624W4004290000		
231 Pearl Street	194624W4004290010		
240 Pearl Street	194624W4004160000		
244 Pearl Street	194624W4004170000		
270-294 Pearl Street	194624W4004090000		
3250 Estero Blvd	294624W1001000140		
3310 Estero Blvd	294624W1001000120		
3420 Estero Blvd	294624W1001000080		
3522 Estero Blvd	294624W1001000050		
3552 Estero Blvd	294624W1001000030		
3562 Estero Blvd	294624W1001000020		
3600 Estero Blvd	294624W10040A0010		
3610 Estero Blvd	294624W10040A0030		
3620 Estero Blvd	294624W10040A0050		
3630 Estero Blvd	294624W10040A0090		
3650 Estero Blvd	294624W1001790020		
3870 Estero Blvd	294624W2001830030		
3860 Estero Blvd	294624W2001830020		
3880 Estero Blvd	294624W2001840010		
3950 Estero Blvd	294624W30050F0030		
3970 Estero Blvd	294624W30050F0040		
4050 Estero Blvd	294624W30060C0010		
4100 Estero Blvd	294624W30060D0020		
4200 Estero Blvd	294624W30070D0010		
4230 Estero Blvd	294624W30070D0030		
4254 Estero Blvd	294624W3001880010		

5236 Estero Blvd	334624W1002060280
5246 Estero Blvd	334624W1002060290
5250 Estero Blvd	334624W1002060120
5370 Estero Blvd	334624W10330000CE
5356 Estero Blvd	334624W100206007A
5500 Estero Blvd	334624W1002050180
50 Dakota Street	334624W1002050200
5520 Estero Blvd	334624W1002050170
6000 Gulf Road	334624W3006000260
6020 Gulf Road	334624W3006000250
6030 Gulf Road	334624W3006000240
6040 Gulf Road	334624W3006000230
6050 Gulf Road	334624W3006000220
6060 Gulf Road	334624W3006000210
6070 Gulf Road	334624W3006000200
300 Seminole Way	334624W2005K00040
390 Seminole Way	334624W2005K00100
2633 Estero Blvd	194624W30020C0160
2651 Estero Blvd	194624W30020C0210
2661-2681 Estero Blvd	194624W30020C0230
145 School Street	194624W30020C0270
147 School Street	194624W30020C0290
201 Ohio Ave	194624W40090F0020
205/207 Ohio Ave	194624W40090F0030
213 Ohio Ave	194624W40090F0040
219 Ohio Ave	194624W40090F0050
225 Ohio Ave	194624W40090F0060
265 Ohio Ave	194624W40090F0100
275 Ohio Ave	194624W40090F0110
281 Ohio Ave	194624W40090F0130
291 Ohio Ave	194624W40090F0150
297 Ohio Ave	194624W40090F0170
295 Ohio Ave	194624W40090F0160

The above historic resource database was used to create the GIS map on page 14, as a means of locating the greatest concentration of historic structures/sites for determining boundaries of the recommended historic districts. Historic resources located outside of the four historic districts are eligible for determination of Category of Historic Importance and the town's plaque program.



Identified properties were mapped to illustrate concentrations for establishing boundaries for historic districts.

## **OBJECTIVE 2**

### **Establish 4 Categories of Historic Importance (CHI1 through CHI4)**

- CHI1 - HISTORIC DESIGNATION – meets requirements for County, State or National designation. Includes resources eligible for National register of Historic Places. May include archaeological importance or potential. LDC Chapter 22, Article II, Division 3 and Division 4 would apply only to this Category of Historical Importance.
- CHI2 - HISTORIC RECOGNITION – meet requirements for higher importance to social, education, religious, commercial, or tourism heritage
- CHI3 - HISTORIC SIGNIFICANCE – includes structures that are located in and contribute to a historic district
- CHI4 - HISTORIC INTEREST – includes vistas

**CHI1 HISTORIC DESIGNATION:** (Some already designated by Town in plaque process) – meet requirements for County, State or National designation, as well as potential for archaeological importance. Would be subject to LDC regulations.

1. The Historic Society 161 Bay Road
2. The Annex 161 Bay Road
3. The Rain Barrel 161 Bay Road
4. Beach Elementary School 2751 Oak Street
5. Russ Carter Cottage 251 Pearl Street
6. Pink Shell Cottages 385 Estero Blvd
7. Mound House 289 Connecticut Street
8. St. Raphael's Church 5601 Williams Drive
9. Newton Home 4600 Estero Blvd
10. The Pier at Times Square
11. Wetlands?

**CHI2:** meet requirements for higher importance to social, education, religious, commercial, or tourism heritage. Not subject to LDC regulations. (This list was previously identified by HAC but these structures have not begun process.)

1. Baptist Church 130 Connecticut Street
2. Beach Methodist Church 155 Bay Road
3. Chapel by the Sea 100 Chapel Street
4. Church of the Ascension 6025 Estero Blvd
5. Cotton Shop 1172 Estero Blvd
6. El Mercato/First Independence Bank (Chuck's Last Stop)
7. First Federal Bank (Triplex)
8. 1<sup>st</sup> Fire House Estero Blvd
9. Floralina Club Crash Boat House Palermo Circle
10. Gulfshore Inn/Cottage 1270 Estero Blvd
11. Gulfview Shops 3001 Estero Blvd
12. Harby Realty 2670 Estero Blvd
13. Huston Studio/Doll Shop (Armandos) 2101 Estero
14. Island Motel 237 Old San Carlos Blvd
15. Jewel Realty (Ursulas)
16. Koreshan Unity Home 2932 Estero Blvd
17. 1<sup>st</sup> Library 1698 Estero Blvd
18. Matchbox 1750 Estero Blvd
19. Mayhew Page Cottage -1<sup>st</sup> Beach School 256 Cottage Street
20. Mermaid Club (Beached Whale) 1249 Estero Blvd

21. Nina Rigby Realty
22. Pelican Hotel (Junkanoo) 3040 Estero Blvd
23. Pelican Plaza Structure 1901 Estero Blvd
24. Privateer (1<sup>st</sup> high rise) 6500 Estero Blvd
25. Red Coconut Trailer/RV Park 2943 Estero Blvd
26. Rick Hart Realty
27. St. Peter Lutheran Church 1751 Estero Blvd
28. Silver Sands 1207 Estero Blvd
29. Nettles Place/Surf Club 1204 Estero Blvd
30. Tarpon Tackle Hardware (Jay's) 1741 Estero Blvd
31. Thompson Grocery (Papa Mundo's Italian Restaurant) 1821 Estero Blvd
32. Top O Mast Lounge/Restaurant 1028 estero Blvd
33. Tradewinds (McDonalds) Estero Blvd
34. Women's Club 175 Sterling Avenue
35. Sandy Suter's Home Palermo Circle
36. Tiki Resort
37. Silver Witch Building Crescent Street
38. Miltre Cottage
39. Trading Post (Century 21) Sterling Avenue Harry Quig's House Hercules Street
40. Walt Thompson's House (across from bike shop)
41. Old Bud's TV/Beach BBQ
42. Commodore Hotel/Smugglers Cove
43. Fran Santini Home
44. Cottage #6 385 Estero Blvd
45. Gottlieb cottage 191 Aberdeen
46. 4451 Estero Blvd (Bob Foster/Jean Matthews)
47. Harris House Beachfront Cottage Fitzsimmons owner
48. McFee Farm 181 Aberdeen and Lauder
49. Jack & Jill Cottage – 1<sup>st</sup> kindergarten
50. Mrs. Denise's 2<sup>nd</sup> kindergarten
51. Angie Bunting 3<sup>rd</sup> kindergarten
52. Trails inn South Seaview Street

**CH13 - HISTORIC SIGNIFICANCE** – includes structures that are located in and contribute to a historic district. Many structures/sites on the historic resource database (pages 4 – 11 above) may be eligible for determination in this category.

**CH14 - HISTORIC INTEREST** – includes vistas and sites where structures have been demolished, but historic interest for educational purposes may exist. The Estero Island Historical Society has identified the following vistas and established QR codes for educational purposes by use of smart phone technology linking the vistas to photos and text from their website.

1. Arches
2. Bowditch
3. Snug Harbor
4. North Bridges
5. The Pier and Times Square
6. Silver Sands and First Canal

7. Gulfshore and Netties
8. Cotton Shop
9. Historic Cottage Museum
10. Matanzas Pass preserve
11. Beach Schools
12. Beach Library
13. Chapel
14. Winkler Hotel and Pier
15. Red Coconut and Gulfview
16. Pelican Hotel
17. Mound House
18. Newton Park
19. Sander's Boatyard
20. Commodore Hotel
21. Cottage Courts to Condos (Pink Shell/Leonardo Arms)

### **OBJECTIVE 3**

#### **Establish Category of Historic Importance (CHI) Application Process:**

Forms were developed to simplify/objectify/record the process for application to the HPB for determination of Category of Historic Importance (CHI1- CHI4) for each historical or archaeological resource within the Town of Fort Myers Beach. The forms were developed to incorporate all existing standards for evaluation of resources as taken from the Lee County 1986 and 1992 surveys, current town Comprehensive Plan and LDC criteria for historic resources, current town LDC regulations for the process of historic designation (relates to CHI1 only), and existing cottage style design characteristics. LDC design standards may serve as reference for historic identification and an encouragement for future development to reflect the town's early cottage design heritage. The process for CHI1 is different and more involved than CHI2, CHI3 and CHI4.

#### **Current town Comprehensive Plan and LDC Sec. 22-204 criteria: (Will apply to CHI1, CHI2, CHI3, CHI4)**

*Age of structure*

*Possesses Integrity of:*

- a. Location*
- b. Design*
- c. Setting*
- d. Materials*
- e. Workmanship*
- f. Feeling*
- g. Association*

*Meets one or more:*

- a. association with events that significantly contributed to the broad patterns of our history*
- b. association with lives of persons significant to our past*
- c. embodies distinctive characteristics of a type. Period or method of construction*
- d. possesses high artistic value*
- e. has yielded or may yield information important to our history or pre-history*
- f. on an individual basis does not constitute a significant site, but does contribute to the overall significance of a district.*

#### **Current LDC regulations for process of historic designation LDC Sec. 22-201 to 22-203. (Will apply only to CHI1)**

The designation process may be initiated by:

- Petition by owner
- Majority vote of HPB
- Request of town council

#### **IF INITIATED BY OWNER:**

1. Petition for Designation filed.
2. Designation report completed by owner, HPB or director
3. Commence designation and notice process.

#### **IF INITIATED BY MAJORITY VOTE OF HPB:**

1. Designation report completed by HPB
2. HPB motion to initiate designation by filing of report and notification process.
3. Commence designation and notice process.

IF INITIATED BY REQUEST FROM TOWN COUNCIL:

1. Designation report filed with HPB
2. Commence designation and notice process.

**Designation, hearing and notices process:**

1. Petition received if by owner.
2. Designation report completed and filed with HPB
3. Schedule HPB Designation Determination hearing in timely fashion.
4. Notify owner 20 days before hearing by certified mail with return receipt requested. Include copy of designation report and LDC chapter 22.
5. Hold hearing 20 to 70 days after notification sent to owner.
6. Hearing notice in newspaper 5 to 20 days before hearing.

**Decision Deadlines:**

1. HPB written resolution rendered within 14 days of hearing.
2. HPB notifies and sends copy of resolution to:
  - a) Owner
  - b) Building official
  - c) County clerk
  - d) County property appraiser
  - e) Any other county, municipal, state or federal agency that may be affected by the decision.

**Recording Decisions:**

- Resolution shall be recorded in public records of the County within 25 days of HPB decision, unless an appeal has been filed.

**EXAMPLES OF EXISTING ELEMENTS OF HISTORIC COTTAGE DESIGN FOR LDC**

1. Roofs – flat, pitch, tin
2. Exterior elements – asbestos siding, board and batten siding, jalousie windows, pier post foundation, lattice in-fill, balusters, corner brackets, picket fences, rain barrel
3. Interior elements - slash Florida pine floors, pine paneling, brick fireplaces,, coquina fireplace
4. Structure – wood, block
5. Style – bungalow

**APPLICATION PROCESS FOR CHI2, CHI3, CHI4**

- Application and brochure given to property owner. (see pages 19-21)
- Property owner may meet with HPB representative or staff to answer questions prior to application.
- Application and fee returned to town hall.
- Applicant informed of date of HPB meeting when determination will be on agenda.
- Application included in HPB monthly agenda.
- HPB determines CHI2 – CHI4 (category of historic importance) and signs bottom of application.
- CHI recorded on historic resource database.
- Property owner signs CHI determination agreement (page 22)
- Property owner signs plaque agreement (established by HPB Resolution 2008-01) (see page 23)
- Plaque is ordered for property.
- Property owner is notified when plaque is received.
- Quarterly article/notice in newspapers of newly determined historic resources.

**APPLICATION FOR DETERMINATION OF CH2, CH3 OR CH4 CATEGORY OF HISTORIC IMPORTANCE  
TOWN OF FORT MYERS BEACH, FLORIDA**

The historic resources of the Town of Fort Myers Beach are preserved in accordance with its Comprehensive Plan and Land Development Code. Upon application, the Historic Preservation Board will evaluate the importance of structures/sites within the town's heritage and issue a determination of Category of Historic Importance (CHI) and assign historic plaques as follows:

**CHI1 - Historic Designation:** Assigned to historic and/or archaeological resources that meet the requirement standards for county, state and/or national registration. Subject to LDC Chapter 22, Article II, Division 3 and Division. **Must use CH1 petition form to apply.**

**CHI2 - Historic Recognition:** Assigned to resources that meet the highest criteria of importance to the cultural, religious, educational, commercial, and tourism historical development and/or archaeological resources of the town. Use this form to apply.

**CHI3 - Historic Significance:** Assigned to resources that on an individual basis do not constitute a significant site, but do contribute to the overall significance of a district. Use this form to apply.

**CHI4 - Historic Interest:** assigned to areas and vistas that offer insight into understanding the history of the town, the lifestyle of its inhabitants, the historic use of its natural resources and trends in its development. Use this form to apply.

**CONTACT INFORMATION FOR APPLICANT**

NAME OF APPLICANT: \_\_\_\_\_  
APPLICANT MAILING ADDRESS: \_\_\_\_\_  
APPLICANT PHONE NUMBER: \_\_\_\_\_  
APPLICANT EMAIL ADDRESS: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_/\_\_\_\_/\_\_\_\_

**HISTORIC STRUCTURE, SITE OR RESOURCE**

STREET ADDRESS OF SITE: \_\_\_\_\_  
STRAP NUMBER: \_\_\_\_\_  
SUBDIVISION: \_\_\_\_\_ BLOCK NO: \_\_\_\_\_ LOT NO: \_\_\_\_\_  
OWNERSHIP TYPE: ( ) Residential ( ) Commercial ( ) Church ( ) School ( ) Other (specify): \_\_\_\_\_  
HISTORIC NAMES FOR SITE (if applicable): \_\_\_\_\_  
FMB HISTORIC DISTRICT (if applicable): \_\_\_\_\_  
LEE COUNTY HISTORIC SURVEY NUMBER (if applicable): \_\_\_\_\_  
PHOTO OF STRUCTURE OR SITE: Attach 4 x 6 photo of structure in the box below.

**ATTACH 4 X 6 PHOTO OF FRONT OF STRUCTURE IN THIS BOX**

**AGE:**

- a. YEAR STRUCTURE WAS BUILT: \_\_\_\_\_ ARCHITECT: \_\_\_\_\_ BUILDER: \_\_\_\_\_
- b. CURRENT CONDITION (check one): ( ) EXCELLENT ( ) GOOD ( ) FAIR ( ) DETERIORATED
- c. INTEGRITY OF STRUCTURE (check one or more): ( ) UNALTERED/ORIGINAL ( ) REMODELED in year(s) \_\_\_\_\_  
( ) RESTORED in year(s) \_\_\_\_\_ by \_\_\_\_\_

**LOCATION/SETTING:**

- a. INTEGRITY OF SITE: ( ) STRUCTURE IS ON ORIGINAL SITE ( ) STRUCTURE MOVED in year \_\_\_\_\_ from \_\_\_\_\_
- b. SETTING: ( ) CANALFRONT ( ) BEACHFRONT ( ) OTHER (describe) \_\_\_\_\_

**FUNCTION:**

- a. ORIGINAL USE: \_\_\_\_\_ PRESENT USE: \_\_\_\_\_

**ARCHITECTURAL STYLE/DESIGN:**

- a. ( ) FRAME VERNACULAR ( ) POST/PILING HOME ( ) BUNGALOW (circle type number) type 1 type 2 type 3 type 4  
( ) MISSION ( ) MEDITERRANEAN REVIVAL ( ) COMMERCIAL VERNACULAR ( ) OTHER \_\_\_\_\_
- b. NO. OF STORIES: \_\_\_\_\_ NO. OF PORCHES: \_\_\_\_\_

**MATERIALS/WORKMANSHIP:**

- a. STRUCTURE: ( ) WOOD FRAME ( ) BLOCK ( ) COMBINATION WOOD FRAME/BLOCK ( ) OTHER \_\_\_\_\_
- b. FOUNDATION: ( ) PINE PILINGS ( ) TREATED POSTS ( ) SLAB ( ) OTHER (describe) \_\_\_\_\_
- c. EXTERIOR SIDING ( ) VERTICAL/BOARD AND BATTEN ( ) ASBESTOS SHINGLE ( ) WOOD SHINGLE ( ) HORIZONTAL SIDING  
( ) STUCCO ( ) OTHER \_\_\_\_\_
- d. ROOF SHAPE: ( ) FLAT ( ) PITCH (state type) \_\_\_\_\_ MATERIAL: \_\_\_\_\_  
.....# OF DORMERS: \_\_\_\_\_ ( ) WIDOW'S WALK ( ) CUPOLA
- e. WINDOW TYPES (check all that apply): ( ) JALOUSIE ( ) GROUPED WINDOWS ( ) DOUBLE HUNG ( ) SLIDING DOORS ( ) OTHER  
ORIGINAL EXTERIOR DETAILS: \_\_\_\_\_ ( ) RAIN BARREL/CISTERN
- f. ORIGINAL INTERIOR DETAILS: ( ) SLASH PINE FLOORS ( ) PINE PANELING ( ) HISTORIC FIXTURES ( ) OTHER \_\_\_\_\_  
CHIMNEY: NUMBER: \_\_\_\_\_ MATERIALS: \_\_\_\_\_ FIREPLACE LOCATIONS IN STRUCTURE: \_\_\_\_\_
- g. ASSOCIATED WITH IMPORTANT PEOPLE OR EVENTS? ( ) NO ( ) YES (describe) \_\_\_\_\_

**ARCHAEOLOGICAL RESOURCE:**

- h. HAVE ARTIFACTS OR OTHER REMAINS BEEN FOUND ON THE SITE? ( ) NO ( ) YES (attach list/photos)  
DO YOU HAVE REASON TO BELIEVE THERE ARE ARTIFACTS ON THE SITE? ( ) NO ( ) YES (explain)

FMSF ARCHAEOLOGICAL FORM COMPLETED? ( ) NO ( ) YES (please attach)

**PHOTOGRAPHS, MAPS AND DESCRIPTIVE NARRATIVE:**

Please attach pages to explain the history of the structure/site as you know it, including copies of photographs, maps or articles that relate to its importance in the history of our town. Originals will NOT be returned to the applicant.

NUMBER OF PAGES ATTACHED BY APPLICANT: \_\_\_\_\_ pages.

**Applicant: Do not write below this line**

**HPB DETERMINATION OF CATEGORY OF HISTORIC IMPORTANCE**

DETERMINATION OF CATEGORY OF HISTORIC IMPORTANCE LEVEL: ( ) CHI1 ( ) CHI2 ( ) CHI3 ( ) CHI4

DATE OF DETERMINATION: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

FMB HISTORIC DISTRICT (if applicable): ( ) FMBHD1 ( ) FMBHD2 ( ) FMBHD3 ( ) FMBHD4

IMPORTANT AT COUNTY LEVEL? ( ) YES ( ) NO ( ) LIKELY ( ) INSUFFICIENT INFO

ELIGIBLE FOR NATIONAL REGISTRY? ( ) YES ( ) NO ( ) LIKELY ( ) INSUFFICIENT INFO

SUMMARY OF IMPORTANCE: (limit to six lines)

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ARE DETERMINATION HEARING MINUTES ATTACHED? ( ) YES ( ) NO (State reason): \_\_\_\_\_

SIGNATURE OF HPB/TOWN REP: \_\_\_\_\_ TITLE: \_\_\_\_\_

**THE TOWN OF FORT MYERS BEACH, FLORIDA  
HISTORIC DETERMINATION PROCESS  
AND COTTAGE DESIGN TRADITION**

The town and Historic Preservation Board encourages preservation of our history by determining the importance of historic structures, properties and districts, identifying them with plaques, and encouraging the tradition of cottage design. This brochure will assist those who seek to apply for a determination of historic importance for a structure/property within the program, as well as those who seek to utilize cottage design as they remodel or redevelop structures in that tradition.

**HISTORY OF FORT MYERS BEACH COTTAGE DESIGN**

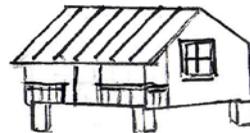
Early homesteaders settled on Estero Island in the late 1800's, many in fishing shacks. By the 1930's cottages were built as second homes for winter visitors. The dredging of bayside canals provided additional waterfront lots, with hotels, dance halls, casinos and restaurants built as island attractions. Schools, churches and other commercial structures were built as the island population grew.

Most early cottages were of the wood frame vernacular - simple and small scale to minimize the transport of materials from the mainland. They were designed for comfort and practicality in our subtropical climate at a time prior to running water, air conditioning and insect control. Airflow through the cottage was maximized by large window openings, louvered shutters, high ceilings, and ceiling fans. Airflow underneath was encouraged by elevation on piers or pilings with lattice skirting. Shade was created by covered porches, wide eaves, and well-placed landscaping. Interior walls and floors were insect and mold resistant wood. Roofs were usually gable or hip, covered in pressed tin shingles or sheet metal. Gutters, rain barrels and cisterns captured rainwater. Siding was wood, later replaced by asbestos shingles after the 1944 hurricane. Fireplaces provided heat if needed, and were sometimes decorated with local shell or coral rock.

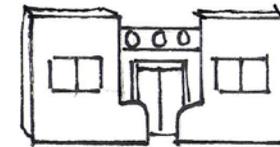
Early structures faced destruction by storms or the development of high-rise condominiums. Due to the sensitivity of our community, many historic buildings remain standing. While precise identification of the style and importance of some structures can be difficult if they have been enlarged or updated, variations serve to illustrate the evolution of our community's cottage style over time and contribute to the feeling of an historic district.

**HISTORIC STRUCTURE DETERMINATION:** The Historic Preservation Board will determine the category of historic importance (CHI) of each structure in accordance with guidance from the Lee County Historic Preservation Guide and the Town's Land Development Code. Property owners are encouraged to apply for this determination. The basis for evaluation of structures and properties includes age, builder, location, function, architectural style/design, materials, archaeological potential and association with important events and people in our town history.

1. **Age:** When was structure built? Remodeled? By whom?
2. **Location/Setting:** Why was it built in that location? Was is significant about the setting? Has the structure been moved?
3. **Function:** Was the building designed as a school, church, residence or commercial structure? Has the use changed over time?
4. **Architectural Style/Design:** Is it of a distinctive type or method of construction? Does it possess high artistic value? Is the style identifiable from the following list and illustrations?



- a. **WOOD FRAME (FRAME VERNACULAR):** Functional wood frame building built for subtropical climate. Lacks stylistic detail. Generally rectangular, one or two story, with single-story porch.
- b. **PILING HOUSE:** Frame vernacular but elevated on wood pilings. Near water or in storm surge prone location.
- c. **BUNGALOW TYPE 1:** Hip roof over one or one-and one-half story with low dorm on façade and inset porch.
- d. **BUNGALOW TYPE 2:** Front facing gable roof. One or more gables on façade. One dominant gable often above a porch.



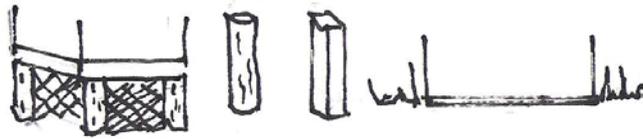
- e. **BUNGALOW TYPE 3:** Gable parallel to the street with a cross gable intersecting at 90 degrees.
- f. **BUNGALOW TYPE 4:** Large one and one-half story house with gable parallel to street incorporating a dormer. Porch inset under main roof supported by posts.
- g. **MEDITERRANEAN REVIVAL:** Arches, tile roof, stucco walls with niches and deep recessed openings.
- h. **MISSION:** Smooth or flat façade with little or no overhang, battered walls and rough textured stucco punctuated with window and door openings. Devoid of elaborate decoration. Rely on mass, arched openings clay tile roof and curvilinear parapets as features.
- i. **COMMERCIAL VERNACULAR:** Wood frame or concrete block. Simple and functional. False parapet for signage. Recessed storefront with covered sidewalk for access. Metal gable roof or flat composition material are most common.

5. **Materials/Workmanship:** Identify the materials used in its construction and detail or visual character.

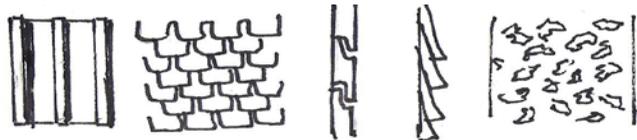
a. Wood frame or block?



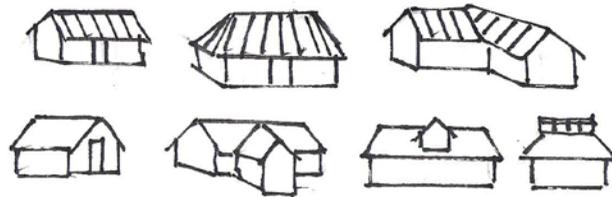
b. Is the foundation pine pilings, treated posts, or slab? Is there lattice skirting?



c. Is the exterior siding vertical board and batten, asbestos shingles, horizontal siding or stucco?



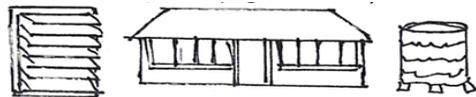
d. What is the roof shape? Pitch? Flat? Material? Are there dormers, a widow's walk or cupola?



Top Row L to R: Side Gable, Hip, Cross Gable

Bottom L to R: Front Gable, Cross Gable, Dormer, Widow's Walk

e. Are there original exterior features such as jalousie windows, grouped or paired window openings, shutters, rain barrel, cistern, balusters, landscaping or other early detail?



- f. Are there original interior details such as slash pine wood floors, pine paneling, fireplace, historic fixtures, shell details?
- g. **Association:** Is the structure associated with important events or people in the Town's history?
- h. **Archaeological Resource:** Have any artifacts been found on the site? Is there reason to believe there might be artifacts buried?
- i. **Contribution to Historic District:** Is the structure located in one of the four historic districts of the town? Does it contribute to the period, scale or feeling of one of the town's historic districts?

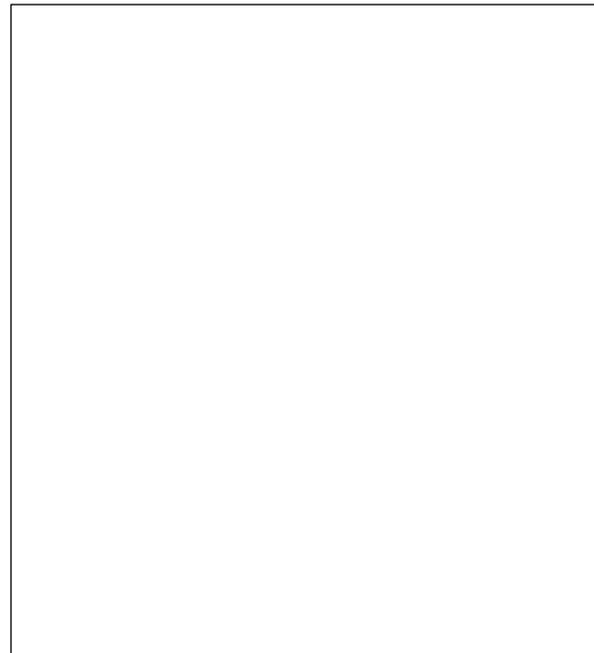
FMBHD1 – EARLY BAYSIDE COTTAGE DISTRICT: Primo Avenue to Pearl Street, includes first bayside canals and early structures.

FMBHD2 – CORE HISTORIC VILLAGE: Bay Street area, including the Estero Island Historic Society and Matanzas Pass Preserve.

FMBHD3 – CORE BEACHFRONT COTTAGE DISTRICT: Includes the early Gulf front cottages in the 3000 – 4000 block of Estero Blvd.

FMBHD4 – SOUTH BEACHFRONT COTTAGE DISTRICT: Beginning near Sterling Street and continues south. Includes largest group of remaining cottages between Estero Boulevard and the beach.

**MAP OF HISTORIC DISTRICTS**



**APPLICATION PROCESS FOR DETERMINATION OF CATEGORY OF HISTORIC IMPORTANCE AND HISTORIC PLAQUE PROGRAM**

There are four Categories of Historic Importance (CHI1-4) identified by the Town of Fort Myers Beach in an effort to celebrate and preserve its history. Structures or properties with historic or archaeological importance qualify for identification in the historic plaque program. Property owners may apply for a determination by the Historic Preservation Board. Owners may request a pre-application appointment to discuss the historic preservation program, plaques, specifics of their structure/property, and the HPB application process. Is important to note that contributing historic structures/properties in categories CHI2, CHI3, CHI4 are encouraged, but *not* required, to maintain original historic features *Only property owners that specifically apply for, receive, and accept category CHI1 – Historic Recognition determination are subject to Land Development Code Historic Preservation Chapter 22 regulations and exemption from FEMA regulation.*

- CHI1 - HISTORIC DESIGNATION – meets requirements for County, State or National designation. Includes resources eligible for National register of Historic Places. May include archaeological importance or potential. LDC Chapter 22, Article II, Division 3 and Division 4 would apply only to this Category of Historical Importance.
- CHI2 - HISTORIC RECOGNITION – meet requirements for higher importance to social, education, religious, commercial, or tourism heritage
- CHI3 - HISTORIC SIGNIFICANCE – includes structures that are located in and contribute to a historic district
- CHI4 - HISTORIC INTEREST – includes vistas and historic sites.

Applications are available through:

*The Department of Community Development  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931  
Phone: 239-765-0202.*

Thank you for supporting our community historic preservation efforts.

HISTORIC PRESERVATION BOARD  
TOWN OF FORT MYERS BEACH  
CATEGORY OF HISTORIC IMPORTANCE DETERMINATION REPORT

SITE ADDRESS: \_\_\_\_\_

CATEGORY OF HISTORIC IMPORTANCE ( )CHI1 ( )CHI2 ( )CHI3 ( )CHI4

DATE OF DETERMINATION HEARING: \_\_\_\_/\_\_\_\_/\_\_\_\_  
day month year

CHI FILE NUMBER ASSIGNED: \_\_\_\_\_

I, \_\_\_\_\_(print name), owner of the above listed property, hereby accept the determination of Category of Historic Importance by the Historic Preservation Board. I understand that I own the plaque that has been awarded in conjunction with the determination and I am encouraged to place the plaque on the above structure.

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF FORT MYERS BEACH: HISTORIC PLAQUE AGREEMENT**

The undersigned person represents that he/she is the owner of the property with the following street address: \_\_\_\_\_, Fort Myers Beach, Florida 33931, with a strap number of \_\_\_\_\_ (hereafter "Owner").

By signing below, Owner agrees to affix an historic plaque provided by the Town of Fort Myers Beach, a municipal corporation, on the structure located on the subject property, as follows:

\_\_\_\_\_  
(location and method of affixing). The Owner shall own the plaque. In the event of damage, loss or other casualty involving the sign, the Town may replace it, but shall not be obligated to do so.

The plaque shall contain the following language:

\_\_\_\_\_  
This permission is non-transferable to another structure or property. The owner, or any subsequent owner shall have the ability to terminate this Agreement without cause. In the event of such termination, the owner will remove the plaque and return it to the Town.

The undersigned waives any claim against the Town of Fort Myers Beach, its officers, agents representatives and employees arising from loss, injury or damage resulting from the subject matter of this Release and covenants not to bring any claim against the Town of Fort Myers Beach and its officers, agents representatives and/or employees related to the subject matter of this Release.

The undersigned has fully read, understood and agrees to every term in this Agreement.

\_\_\_\_\_  
DATE OWNER PRINT NAME

\_\_\_\_\_  
ADDRESS CITY, STATE, ZIP

(\_\_\_\_\_) TELEPHONE

\_\_\_\_\_  
WITNESS PRINT NAME

\_\_\_\_\_  
WITNESS PRINT NAME

## DESIGNATION PROCESS FOR CHI1

### IF REQUEST IS FROM PROPERTY OWNER A DESIGNATION REQUEST MUST FIRST BE FILED:

- Petition for Designation (page 25 – 26) and brochure (page 21) given to property owner.
- Property owner may meet with HPB representative or staff to answer questions prior to completion of application.
- Petition for Designation and fee returned to town hall.
- Designation Report (page 27 - 28) completed by owner, Director or HPB.

### IF REQUEST IS FROM HPB:

- Designation Report (page 27 - 28) completed by HPB.
- HPB Motion to file Designation report and commence hearing process.

### IF REQUEST IS FROM TOWN COUNCIL:

- Designation Report (page 27 - 28) completed by TC or Director and filed with HPB.

### ONCE DESIGNATION REPORT IS COMPLETE:

- Schedule HPB Designation Determination hearing in timely fashion.
- Notify owner 20 days before hearing by certified mail with return receipt requested. Include copy of Designation Report and LDC chapter 22.
- Hold HPB public hearing 20 to 70 days after notification sent to owner.
- Hearing notice in newspaper 5 to 20 days before hearing.
- Petition for Designation included in HPB hearing documentation.
- HPB holds Determination Hearing for eligibility for historic designation in CHI1.

### Decision Deadlines:

- HPB written resolution rendered within 14 days of hearing.
- HPB notifies and sends copy of resolution to:
  - a. Owner
  - b. Building official
  - c. County clerk
  - d. County property appraiser
  - e. Any other county, municipal, state or federal agency that may be affected by the decision.

### Recording Decisions:

- Resolution shall be recorded in public records of the County within 25 days of HPB decision, unless an appeal has been filed.
- CHI1 designation is recorded in town's historic structure database.

### Plaque:

- Property owner signs CHI determination agreement (page 22)
- Property owner signs plaque agreement (established by HPB Resolution 2008-01) (see page 23)
- Plaque is ordered for property.
- Property owner is notified when plaque is received.
- Plaque ceremony is scheduled for property and ceremony brochure is prepared by HPB.

**PETITION FOR DETERMINATION OF CHI1 HISTORIC DESIGNATION  
TOWN OF FORT MYERS BEACH, FLORIDA**

The historic resources of the Town of Fort Myers Beach are preserved in accordance with its Comprehensive Plan and Land Development Code. The Historic Preservation Board evaluates the importance of structures/sites within the town and issues a determination of Category of Historic Importance (CHI). Historic plaques are placed according to the CHI determination.

This petition is used to initiate the public hearing process for historic designation in the highest category, **CHI1 - Historic Designation**, which is assigned to historic and/or archaeological resources that meet requirement standards for county, state and/or national registration. Historic resources designated by the CHI1 determination process become subject to preservation regulations of the town's Comprehensive Plan and Land Development Code Chapter 22, Articles I – IV.

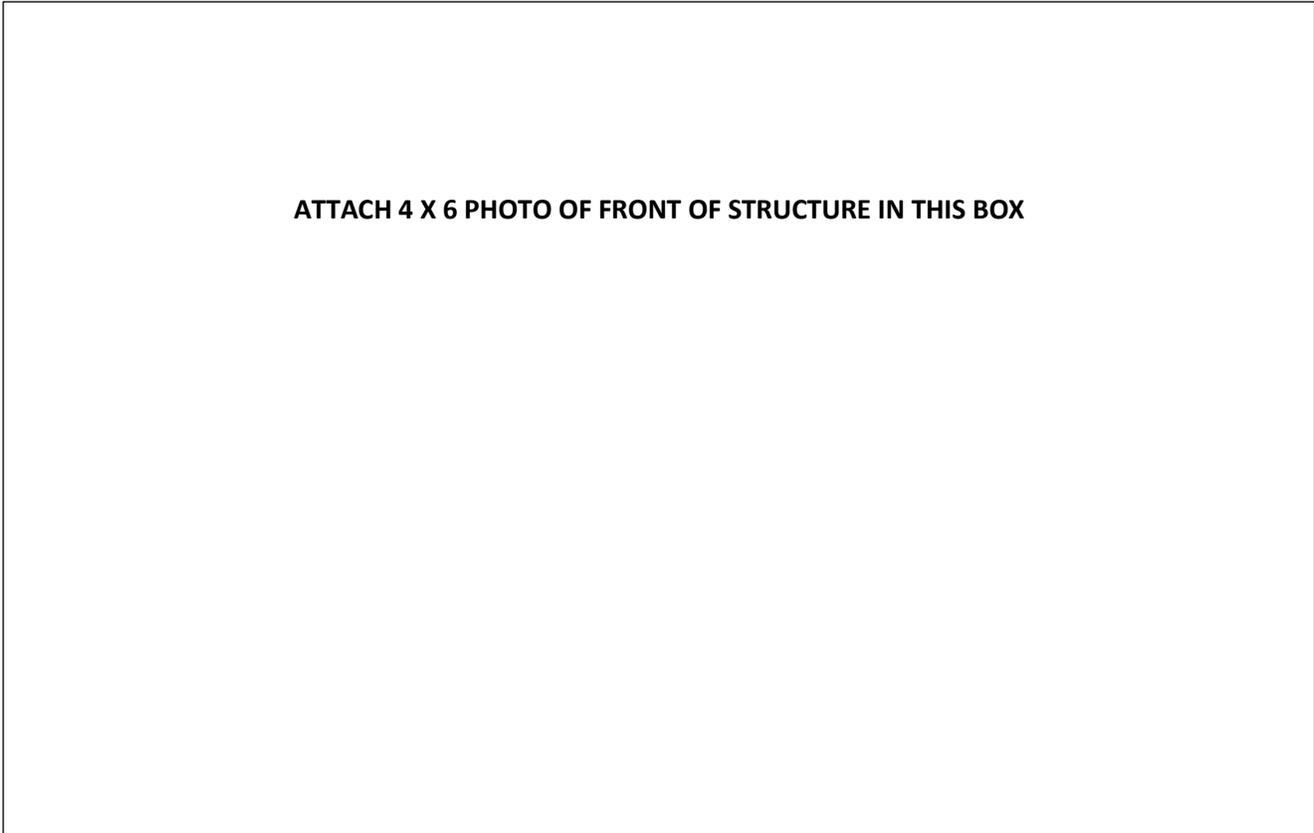
**CONTACT INFORMATION FOR PETITIONER**

NAME OF PETITIONER: \_\_\_\_\_  
PETITIONER MAILING ADDRESS: \_\_\_\_\_  
PETITIONER PHONE NUMBER: \_\_\_\_\_  
PETITIONER EMAIL ADDRESS: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_/\_\_\_\_/\_\_\_\_

**HISTORIC STRUCTURE, SITE OR RESOURCE**

STREET ADDRESS OF SITE: \_\_\_\_\_  
STRAP NUMBER: \_\_\_\_\_  
SUBDIVISION: \_\_\_\_\_ BLOCK NO: \_\_\_\_\_ LOT NO: \_\_\_\_\_  
OWNERSHIP TYPE: ( ) Residential ( ) Commercial ( ) Church ( ) School ( ) Other (specify): \_\_\_\_\_  
HISTORIC NAMES FOR SITE (if applicable): \_\_\_\_\_  
FMB HISTORIC DISTRICT (if applicable): \_\_\_\_\_  
LEE COUNTY HISTORIC SURVEY NUMBER (if applicable): \_\_\_\_\_

PHOTO OF STRUCTURE OR SITE: Attach 4 x 6 photo of structure in the box below.



**AGE:**

- d. YEAR STRUCTURE WAS BUILT: \_\_\_\_\_ ARCHITECT: \_\_\_\_\_ BUILDER: \_\_\_\_\_
- e. CURRENT CONDITION (check one): ( ) EXCELLENT ( ) GOOD ( ) FAIR ( ) DETERIORATED
- f. INTEGRITY OF STRUCTURE (check one or more): ( ) UNALTERED/ORIGINAL ( ) REMODELED in year(s) \_\_\_\_\_  
( ) RESTORED in year(s) \_\_\_\_\_ by \_\_\_\_\_

**LOCATION/SETTING:**

- c. INTEGRITY OF SITE: ( ) STRUCTURE IS ON ORIGINAL SITE ( ) STRUCTURE MOVED in year \_\_\_\_\_ from \_\_\_\_\_
- d. SETTING: ( ) CANALFRONT ( ) BEACHFRONT ( ) OTHER (describe) \_\_\_\_\_

**FUNCTION:**

- c. ORIGINAL USE: \_\_\_\_\_ PRESENT USE: \_\_\_\_\_

**ARCHITECTURAL STYLE/DESIGN:**

- a. ( ) FRAME VERNACULAR ( ) POST/PILING HOME ( ) BUNGALOW (circle type number) type 1 type 2 type 3 type 4  
( ) MISSION ( ) MEDITERRANEAN REVIVAL ( ) COMMERCIAL VERNACULAR ( ) OTHER \_\_\_\_\_
- d. NO. OF STORIES: \_\_\_\_\_ NO. OF PORCHES: \_\_\_\_\_

**MATERIALS/WORKMANSHIP:**

- h. STRUCTURE: ( ) WOOD FRAME ( ) BLOCK ( ) COMBINATION WOOD FRAME/BLOCK ( ) OTHER \_\_\_\_\_
- i. FOUNDATION: ( ) PINE PILINGS ( ) TREATED POSTS ( ) SLAB ( ) OTHER (describe) \_\_\_\_\_
- j. EXTERIOR SIDING ( ) VERTICAL/BOARD AND BATTEN ( ) ASBESTOS SHINGLE ( ) WOOD SHINGLE ( ) HORIZONTAL SIDING  
( ) STUCCO ( ) OTHER \_\_\_\_\_
- k. ROOF SHAPE: ( ) FLAT ( ) PITCH (state type) \_\_\_\_\_ MATERIAL: \_\_\_\_\_  
.....# OF DORMERS: \_\_\_\_\_ ( ) WIDOW'S WALK ( ) CUPOLA
- l. WINDOW TYPES (check all that apply): ( ) JALOUSIE ( ) GROUPED WINDOWS ( ) DOUBLE HUNG ( ) SLIDING DOORS ( ) OTHER  
ORIGINAL EXTERIOR DETAILS: \_\_\_\_\_ ( ) RAIN BARREL/CISTERN
- m. ORIGINAL INTERIOR DETAILS: ( ) SLASH PINE FLOORS ( ) PINE PANELING ( ) HISTORIC FIXTURES ( ) OTHER \_\_\_\_\_  
CHIMNEY: NUMBER: \_\_\_\_\_ MATERIALS: \_\_\_\_\_ FIREPLACE LOCATIONS IN STRUCTURE: \_\_\_\_\_
- n. ASSOCIATED WITH IMPORTANT PEOPLE OR EVENTS? ( ) NO ( ) YES (describe) \_\_\_\_\_

**ARCHAEOLOGICAL RESOURCE:**

- h. HAVE ARTIFACTS OR OTHER REMAINS BEEN FOUND ON THE SITE? ( ) NO ( ) YES (attach list/photos)  
DO YOU HAVE REASON TO BELIEVE THERE ARE ARTIFACTS ON THE SITE? ( ) NO ( ) YES (explain)

FMSF ARCHAEOLOGICAL FORM COMPLETED? ( ) NO ( ) YES (please attach)

**PHOTOGRAPHS, MAPS AND DESCRIPTIVE NARRATIVE:**

Please attach pages to explain the history of the structure/site as you know it, including copies of photographs, maps or articles that relate to its importance in the history of our town. Originals will NOT be returned to the applicant.

NUMBER OF PAGES ATTACHED BY APPLICANT: \_\_\_\_\_ pages.

**Petitioner: Do not write below this line**

**HPB DETERMINATION OF CATEGORY OF HISTORIC IMPORTANCE**

DETERMINATION OF CATEGORY OF HISTORIC IMPORTANCE LEVEL: ( ) CHI1 ( ) CHI2 ( ) CHI3 ( ) CHI4

DATE OF DETERMINATION: \_\_\_\_/\_\_\_\_/\_\_\_\_\_

FMB HISTORIC DISTRICT (if applicable): ( ) FMBHD1 ( ) FMBHD2 ( ) FMBHD3 ( ) FMBHD4

IMPORTANT AT COUNTY LEVEL? ( ) YES ( ) NO ( ) LIKELY ( ) INSUFFICIENT INFO

ELIGIBLE FOR NATIONAL REGISTRY? ( ) YES ( ) NO ( ) LIKELY ( ) INSUFFICIENT INFO

SUMMARY OF IMPORTANCE: (limit to six lines)

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ARE DETERMINATION HEARING MINUTES ATTACHED? ( ) YES ( ) NO (State reason): \_\_\_\_\_

SIGNATURE OF HPB/TOWN REP: \_\_\_\_\_ TITLE: \_\_\_\_\_

**HISTORIC DESIGNATION REPORT/HISTORIC DISTRICTS  
TOWN OF FORT MYERS BEACH, FLORIDA**

Pursuant to LDC Sec. 22-202, this designation report shall be filed with the historic preservation board prior to the designation of any historic district in the Town of Fort Myers Beach.

NAME OF DISTRICT: \_\_\_\_\_

a. PHYSICAL DESCRIPTION OF THE DISTRICT:

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ATTACH PHOTO EXAMPLES OF CONTRIBUTING BUILDINGS/STRUCTURES/SITES IN DISTRICT: ( ) attached  
ATTACH PHOTO EXAMPLES OF NON-CONTRIBUTING BUILDINGS/STRUCTURES/SITES IN DISTRICT: ( ) attached

b. DESCRIPTION OF TYPICAL ARCHITECTURAL STYLES, CHARACTER-DEFINING FEATURES, AND TYPES OF BUILDINGS, STRUCTURES AND SITES WITHIN THE DISTRICT:

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c. IDENTIFICATION OF ALL BUILDINGS, STRUCTURES, AND SITES WITHIN THE DISTRICT AND THE PROPOSED CLASSIFICATION OF EACH AS CONTRIBUTING, CONTRIBUTING WITH MODIFICATIONS, OR NON-CONTRIBUTING, WITH AN EXPLANATION OF THE CRITERIA USED FOR EACH CLASSIFICATION.

d. STATEMENT OF THE HISTORICAL, CULTURAL, ARCHITECTURAL ARCHAEOLOGICAL, OR OTHER SIGNIFICANCE OF THE DISTRICT AS DEFINED BY CRITERIA FOR DESIGNATION IN LDC CHAPTER 22.

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**OBJECTIVE 4**

**Establish plaque designs appropriate for each Category of Historic Importance.**

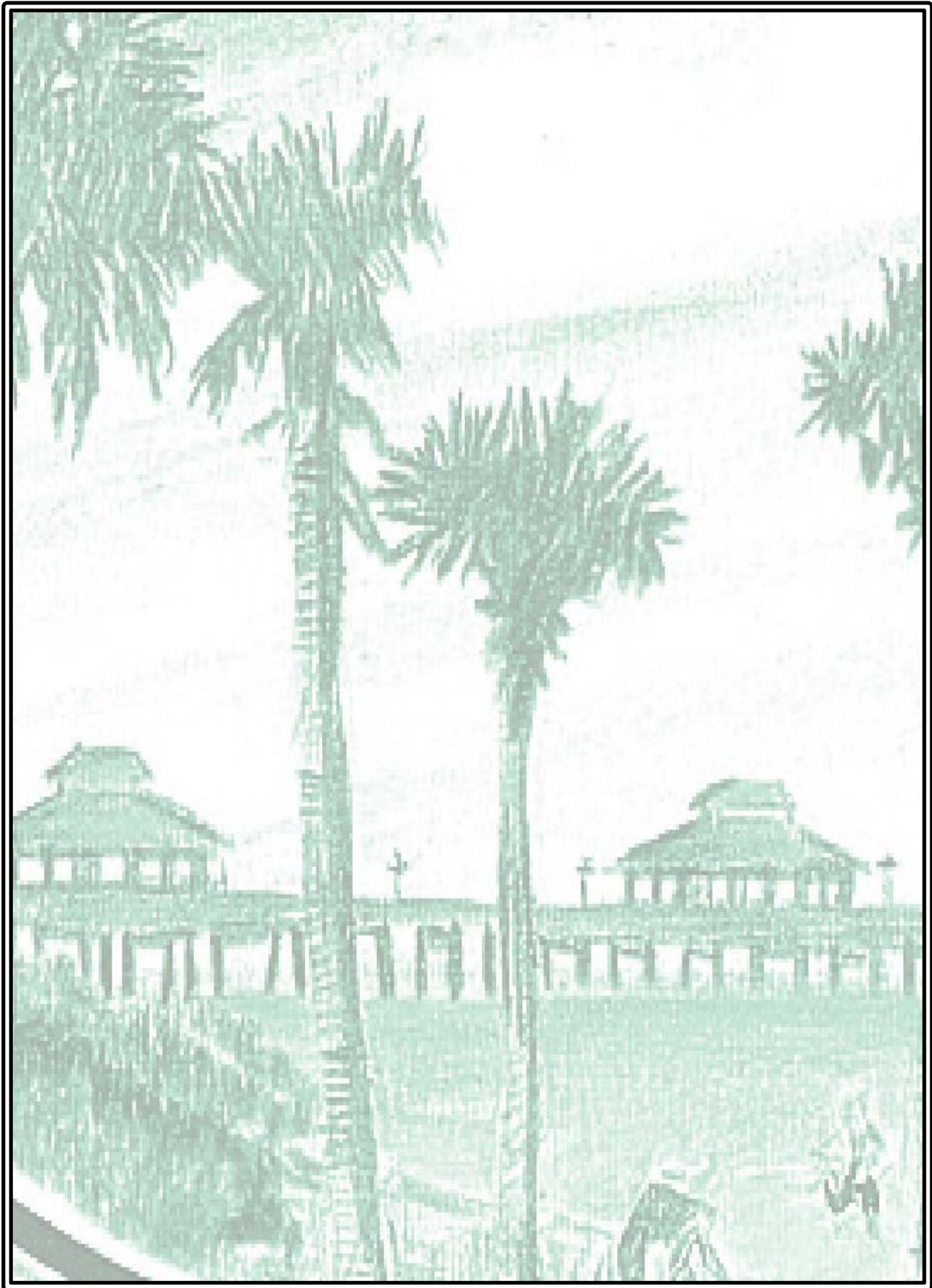
The CHI1 category shall maintain the large plaque size currently used for historic recognition and already in place on several designated structures. The CHI2 and CHI3 categories shall have a \_\_\_\_\_ plaque identifying the date of construction and possibly the historic district it contributes to. The CHI4 category vistas shall have \_\_\_\_\_ plaques, possibly with QR codes.

Basis in Comprehensive Plan: POLICY 13-F-8 - *Recognize historic buildings through plaques, certificates, historic markers, awards, programs or certificates of historical or archaeological significance.*

**CHI1- HISTORIC RECOGNITION**











**OBJECTIVE 5**  
**UPDATE COMPREHENSIVE PLAN AND LDC**

In the Historic Preservation Element of the Comp Plan and LDC Section 22, the town has followed the preservation of historic resources as found in County, State and National regulations. As a result, the HPB *ad hoc* committee has followed the town's Comprehensive Plan and LDC as closely as possible in their work and recommends .the minimal change necessary to update the LDC.

The HPB has the authority to propose updates to the Comprehensive Plan and LDC, as regulated in *LDC Sec. 22-74:*  
*(9) To recommend zoning and building code amendments to the town council to assist in the preservation of designated historic resources or districts.*

*(10) To review and make recommendations to the town council on proposed amendments to the comprehensive plan or this code that may affect designated historic resources and districts or buildings, structures, districts, or sites eligible for designation.*

Recommended changes are limited to verbiage to clarify use of the word *designation* as solely applying to the CHI1 category of historic importance, and the existing regulations that apply only to those so *designated* resources.

The Historic Districts will be added to the LDC.

Amendments to the Comprehensive Plan will follow within the EAR process throughout the next two years.

**RECOMMENDED REVISIONS TO LDC CHAPTER 22**

## **FORT MYERS BEACH LAND DEVELOPMENT CODE**

### **CHAPTER 22 HISTORIC PRESERVATION**

*Sec. 22-1. Purpose.*

*Sec. 22-2. Applicability.*

*Sec. 22-3. Definitions.*

*Sec. 22-4. Penalty.*

*Secs. 22-5--22-40. Reserved.*

#### **Division 1. Generally**

*Sec. 22-41. Appeals.*

*Secs. 22-42--22-70. Reserved.*

#### **Division 2. Historic Preservation Board**

*Sec. 22-71. General authority.*

*Sec. 22-72. Reserved.*

*Sec. 22-73. Reserved.*

*Sec. 22-74. Powers and duties.*

*Secs. 22-75--22-100. Reserved.*

#### **Division 3. Certificate of Appropriateness**

*Sec. 22-101. Required.*

*Sec. 22-102. Regular certificate of appropriateness.*

*Sec. 22-103. Special certificate of appropriateness.*

*Sec. 22-104. Demolition.*

*Sec. 22-105. Moving permits.*

#### **Division 4. Archaeological sites**

*Sec. 22-106. Archaeological sites.*

*Secs. 22-107--22-140. Reserved.*

#### **Division 1. Generally**

*Secs. 22-141--22-170. Reserved.*

#### **Division 2. Incentives**

- Sec. 22-171. *Financial assistance.*
- Sec. 22-172. *Nomination to National Register of Historic Places.*
- Sec. 22-173. *Relief from building regulations.*
- Sec. 22-174. *Relief from zoning and development regulations.*
- Sec. 22-175. *Variances from floodplain regulations.*
- Secs. 22-176--22-200. *Reserved.*

**Division 3. Designation Procedure**

- Sec. 22-201. *Initiation of designation process.*
- Sec. 22-202. *Designation report.*
- Sec. 22-203. *Required notices; action by historic preservation board.*
- Sec. 22-204. *Criteria for designation.*
- Sec. 22-205. *Amendment or withdrawal of designation.*
- Secs. 22-206--22-240. *Reserved.*
- Sec. 22-241. *Ordinary maintenance and repair.*
- Sec. 22-242. *Correction of deficiencies generally.*
- Sec. 22-243. *Unsafe structures.*
- Sec. 22-244. *Emergency work.*
- Sec. 22-245. *Demolition by neglect.*

**Sec. 22-1. Purpose.**

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) Establishing 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 *category of historical significance importance of a designated historic resource and designate those of the highest importance.*
- (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 town'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 town and county.
- (9) Implementing the historic preservation element of the Fort Myers Beach Comprehensive Plan.

**Sec. 22-2. Applicability.**

- (a) This chapter shall govern and be applicable to all property located in the incorporated area of the town.
- (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.

**Sec. 22-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall 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 town 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 same officer as appointed by the town manager through § 6-44.

**Certificate of appropriateness** means a written authorization by the director or the historic preservation board to the owners of a designated historic resource or any building, structure, 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 director allowing minor activities which require the issuance of a building permit but which will result in little or no change in appearance.

(2) *Special certificate of appropriateness* means a certificate of appropriateness issued directly by the historic preservation board and required for any proposed work that will result in alteration, demolition, relocation, reconstruction, new construction, or excavation, but which does not qualify for a regular certificate of appropriateness.

**Certificate to dig** means a certificate issued by the director 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.

**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 which 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.

**Designated** means that the town has established the historical, cultural, architectural, aesthetic, or archaeological significance of a specific historic resource or district in accordance with §§ 22-201–22-204 of this chapter.

**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 or district pursuant to this chapter.

**Director** means the person to whom the town manager has delegated the authority to administer this chapter, or that person's designee.

**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.

**Guidelines** mean specific criteria set out in a designation report for a historic district that, if adopted by the historic preservation board, will be used to evaluate alterations, demolitions, relocations, excavations, and new construction within a historic district.

**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 historic district may also be comprised of individual elements separated geographically but linked by association or history. A historic district may contain both contributing and noncontributing properties.

**Historic preservation board** or **board** means the local planning agency, a board of citizens appointed by the town council in accordance with ch. 34, article II, division 3 of this code, that will administer the provisions of this chapter in addition to its other duties.

**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 also 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 town, the county, the state or the United States. **Significant– Highly important historic** resources may be “designated” by the town in accordance with §§ 22-201–22-204 of this chapter.

**Historic resource database** means the compilation of data gathered on historical and archaeological sites in the town, based on the findings of the surveys entitled “Historical and Architectural Survey, Lee County” (Florida Preservation Services 1986), “Historical Report and Survey Supplement for Lee County, Florida” (Janus Research 1992, and “An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida” (Piper Archaeological Research 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.

**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.

**Sec. 22-4. Penalty.**

The director is authorized to pursue any one or combination of the enforcement mechanisms provided in this code (for example, § 1-5, or article V of ch. 2) for any violation of this chapter.

**Secs. 22-5--22-40. Reserved.**

**Sec. 22-41. 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 state the decision being appealed, the grounds for the appeal, and a summary of the relief sought.

(b) Appeals shall be pursued using the procedure set forth in § 34-86 pertaining to appeals from administrative matters, except that the local planning agency shall not be required to hold a second public hearing to render a separate opinion from the decision it made while sitting as the historic preservation board.

**Secs. 22-42--22-70. Reserved.**

**Sec. 22-71. General authority.**

The local planning agency, as established through ch. 34, article II, division 3 of this code, shall serve as the historic preservation board for the Town of Fort Myers Beach. 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 town, as prescribed by this chapter.

**Sec. 22-72. Reserved.**

**Sec. 22-73. Reserved.**

**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 town council.
- (2) To maintain and update the findings of the historical and archaeological surveys and validate those findings.
- (3) To evaluate the significance and eligibility level of importance of historic resources, and eligibility 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 certificates, place historical Markers *and plaques*, and administer other programs aimed at the proper recognition of designated historic resources.

(8) To advise the town council on all matters related to historic preservation policy, including use, administration, and maintenance of town-owned designated sites and districts.

(9) To recommend zoning and building code amendments to the town council to assist in the preservation of designated historic resources or districts.

(10) To review and make recommendations to the town council on proposed amendments to the comprehensive plan or this code that may affect designated historic resources and districts or buildings, structures, districts, or sites eligible for designation.

(11) To propose and recommend to the town council 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 town only, grant assistance from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

(15) To perform any other function or duty assigned to it by the town council.

**Sec. 22-75. --22-100. Reserved. Historic Districts Four (4) Fort Myers Beach historic districts (FMBHD) have been identified within the town as follows:**

**FMBHD1 – EARLY BAYSIDE COTTAGE DISTRICT: Primo Avenue to Pearl Street, includes first bayside canals and early structures.**

**FMBHD2 – CORE HISTORIC VILLAGE: Bay Street area, including the Estero Island Historic Society and Matanzas Pass Preserve.**

**FMBHD3 – CORE BEACHFRONT COTTAGE DISTRICT: Includes the early Gulf front cottages in the 3000 – 4000 block of Estero Blvd.**

**FMBHD4 – SOUTH BEACHFRONT COTTAGE DISTRICT: Beginning near Sterling Street and continues south. Includes largest group of remaining cottages between Estero Boulevard and the beach.**

**Sec. 22-76. Categories of Historic Importance.**

**Upon petition or application, the historic preservation board will evaluate the importance of structures/sites within the town's heritage and issue a determination of Category of Historic Importance (CHI) as follows:**

**CHI-1 - Historic Designation: Assigned to historic and/or archaeological resources that meet the requirement standards for county, state and/or national registration. Subject to LDC Chapter 22, Article II, Division 3 and Division 4.**

**CHI2 - Historic Recognition: Assigned to resources that meet the criteria of importance to the cultural, religious, educational, commercial, and tourism historical development and/or archaeological resources of the town.**

**CHI3 - Historic Significance: Assigned to resources that on an individual basis do not constitute a significant site, but do contribute to the overall significance of a district.**

**CHI4 - Historic Interest: assigned to areas and vistas that offer insight into understanding the history of the town, the lifestyle of its inhabitants, the historic use of its natural resources and trends in its development.**

**Secs. 22-77--22-100. Reserved.**

**Sec. 22-101. Required.**

(a) 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.

(b) The criteria for issuance of a certificate of appropriateness (regular or special) shall be:

(1) *For designated historic resources and contributing properties in a historic district:*

a. The U.S. Secretary of the Interior's *Standards for Rehabilitation*, 36 CFR 67.7 (1990), as such standards may be amended, renumbered, or replaced, which are hereby adopted by reference as though set forth fully in this article.

Guidance in interpreting the *Standards for Rehabilitation* may be found in the rehabilitation chapter of *The Secretary of the Interior's Standards for the Treatment of Historic Properties, With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, published by the Department of the Interior's National Park Service in 1995; and

b. The specific guidelines, if any, set out in the resolution designating the historic district where the property is located.

(2) *For noncontributing properties in a historic district:* The specific guidelines, if any, set out for noncontributing properties in the resolution designating the historic district where the property is located.

**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 director, 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 director 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 director shall be mailed by certified mail, return receipt requested, to the applicant within two working days of the decision, accompanied by a statement explaining the decision. The applicant shall have an opportunity to appeal the director's decision by applying for a special certificate of appropriateness within 30 calendar days of the date the decision is issued.

**Sec. 22-103. Special certificate of appropriateness.**

(a) ***Required.***

(1) 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.

(2) 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, except where the director has issued a regular certificate of appropriateness for minor activities that will result in little or no change in appearance.

(3) A special certificate of appropriateness may also be issued to reverse or modify the director's 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 director 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, or suspend action on the application for a period not to exceed 35 calendar days in order to seek technical advice from outside resources 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 director on the board's behalf. Notice of a decision shall be given to the applicant and to the building official, the 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 director shall keep a record of the historic preservation board's actions under this chapter.

**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 town, 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 town 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.

**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.

**Sec. 22-106. Archaeological sites.**

(a) **Identification.** The survey entitled “An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida” (Piper Archaeological Research, Inc., 1987) was the basis for Figure 22-1, which shall be used:

- (1) to identify areas of archaeological sensitivity levels 1 and 2, for which certificates to dig must be obtained (see § 22-106(c)); and
- (2) as the initial database when considering the formal designation of areas of archaeological sensitivity level 1 as historic resources pursuant to §§ 22-201–22-204.

(b) **Certificate of appropriateness.** A certificate of appropriateness shall be required prior to the issuance of a development order or building permit for activity within an archaeological site that has been designated as a historic resource pursuant to §§ 22-201–22-204.

(1) An application for a certificate of appropriateness in accordance with §§ 22-101–22-105 shall be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites.

(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.

(c) **Certificate to dig.** A certificate to dig shall be required prior to or in conjunction with the issuance of a development order or building permit 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.

(1) If submerged or wetland areas, such as ponds, sloughs, or swamps, are also to be damaged by development or by dredge and fill activities, these shall also be assessed for their potential to contain significant archaeological sites.

(2) The purpose of a certificate to dig shall be 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 director shall, 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. The director’s decision shall be based on the application and any other guidelines which the historic preservation board may establish. If the approved certificate to dig requires archaeological excavation, the certificate shall specify a period of time during which excavation shall occur, not to exceed 60 days unless the owner agrees to an extension. The owner shall have an archaeologist conduct excavations as necessary

during this period. The certificate to dig and any findings shall be mailed to the applicant by certified mail, return receipt requested, within seven calendar days of its review and approval.

(4) The applicant shall have 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 shall convene no later than 50 calendar days after the date a completed application for a special certificate of appropriateness is filed. Approved certificates to dig shall contain an effective date not to exceed 60 calendar days, at which time the proposed activity may begin, unless the archaeological excavation should uncover evidence of such significance that it warrants designation of the archaeological site as a historic resource pursuant to §§ 22-201–22-204.

(5) All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate. It shall be the duty of the director to inspect work for compliance with such certificate. In the event of noncompliance, the director or the building official shall have the power to issue a stop work order and all work shall cease.

(d) **Human burials.** 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.

(1) If unmarked human burials are suspected or known in an area under consideration for any certificate of appropriateness or certificate to dig, the area shall be surveyed by a professional archaeologist to locate such remains.

(2) Procedures for dealing with human remains shall 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 shall 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 reinterment or disposition.

**Secs. 22-107--22-140. Reserved.**

**Secs. 22-141--22-170. Reserved.**

**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 town, the county, the state, or the federal government, provided they meet any additional requirements of those financial assistance programs.

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

The historic preservation board shall encourage and assist in the nomination of eligible 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.

**Sec. 22-173. Relief from building regulations.**

Designated historic resources and any property in a designated historic district may be eligible for administrative variances or other forms of relief from applicable building 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.

**Sec. 22-174. Relief from zoning and development regulations.**

The director may, by written administrative decision, approve any relief request for designated historic resources or any property in a designated historic district for matters involving setbacks, lot width, depth, area requirements, height limitations, open space requirements, parking requirements, and other similar relief from this code 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 any 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 according to the provisions of ch. 34.

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

Variances from the floodplain regulations may be requested pursuant to the terms of ch. 6, article IV.

**Secs. 22-176--22-200. Reserved.**

**Sec. 22-201. Initiation of designation 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 town council. The historic resource database shall be used initially 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 ask the director 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 request the director to commence the designation and notice process.

(2) ***Designation proposed by historic preservation board or town council.*** Upon the recommendation of the director, a request by a member of the historic preservation board, or a request by the town council, the historic preservation board may ask the director 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 asking the director to file the designation report and begin the notification process.

**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) ***Individual buildings or sites.*** 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. The director's 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) ***Historic districts.*** 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.

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

The historic preservation board shall hold timely public hearings upon every petition for designation made pursuant to this chapter. References in this chapter to calendar days shall 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 director shall furnish the owners with copies of the designation report and this chapter. The director 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 county clerk.

d. The county property appraiser.

e. 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 shall 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 shall be in the form of a notarized statement to the historic preservation board for inclusion in the board's files. The historic preservation board shall 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.

**Sec. 22-204. Criteria for designation.**

(a) **Significance generally.** The historic preservation board shall have the authority to designate historic resources based upon their significance in the town's or 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) **Historical or cultural significance.** 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 town, 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) **Architectural or aesthetic significance.** 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) **Archaeological significance.** 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) **Not generally eligible.** 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.

**Sec. 22-205. Amendment or withdrawal of designation.**

(a) A request to amend or withdraw the designation of a historic resource shall be made and processed in accordance with the designation procedures and criteria in effect at the time the withdrawal is requested.

(b) A withdrawal request shall also be evaluated as to the following factors:

- (1) Whether any reduction or loss of historic or archaeological value was caused by the owner of the designated historic resource (as opposed to unavoidable actions of others or acts of god).
- (2) Whether the owner of the designated historic resource has taken advantage of relief pursuant to this chapter that would not have been available without the historic designation.

(3) Whether the requested withdrawal would adversely affect other designated historic resources or nearby historic districts.

**Secs. 22-206--22-240. Reserved.**

**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.

**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 government to require correction of such deficiencies under the authority and procedures of applicable ordinances, laws, and regulations.

**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 this code, the building official will immediately notify the historic preservation board by submitting copies of such findings. Where appropriate and not in conflict with this code, 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 this code.

**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.

(1) 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.

(2) 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.

(3) 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.

**Sec. 22-245. Demolition by neglect.**

If the director or the building official informs 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.

**CHAPTERS 23–25 RESERVED**

## **Promoting the preservation and plaque program**

- Letters to property owners on historic resource database (see page 49 -50), to include brochure and application forms.
- Articles in newspapers (see page 51)

HISTORIC PRESERVATION BOARD  
TOWN OF FORT MYERS BEACH, FLORIDA  
2325 Estero Blvd  
Fort Myers Beach, FL 33931

Dear Property Owner:

The Historic Preservation Board serves to preserve the history of our island community by determining the importance of historic structures and districts, encouraging the continued tradition of cottage design and identifying historic structures by the placement of plaques. A brochure is included describing the program.

As a property owner, you may apply for a determination of category of historic importance (CHI) for your structure. You are receiving this letter because records indicate your property may be eligible, and we would like to encourage you to apply to participate in this program that celebrates our heritage. Each property will receive a plaque indicating its participation in the preservation program and including the year of construction of the structure. An application form is included for you to review.

What are the benefits of such designation to the property owner? It depends upon the level of determination requested by the property owner within the application process. Perhaps the most important benefit is the immense pride a property owner can take in being one among a number of special historic structures in Fort Myers Beach, structures that exemplify what gives our town its beloved character, drawing residents, businesses and tourists from around the world to enjoy its comfortable ambiance and unique history. Programs are in process to create historic programs to tell the story of the island's past through its historic structures and vistas.

Properties that currently retain much of their historic integrity, may choose to be considered for the highest category of historic importance (CHI1), making the benefits financial as well. In accordance with our Land Development Code, it may save your home from having to meet State Building Code requirements if you wish to renovate or add onto your home and the cost of the work exceeds 50% of the depreciated replacement value of the existing construction - particularly if your home is situated below the Flood Plain.

Additionally, owners of historically designated single family homes can apply for savings in property taxes when making qualifying improvements to the structure, under the City's Historic Ad Valorem Tax Exemption Program for Single Family Homes. This program exempts the home from the City's portion of the real estate taxes for "added value" (as determined by the County Tax Appraiser) for a period of ten years.

So why should you consider having your historic home designated by the Fort Myers Beach Historic Preservation Board? Because it helps to preserve the exceptional historic design character of our downtown and our single-family residential neighborhoods. We hope you will support the Historic Preservation Board's efforts and consider participating!

For further information, please contact the Historic Preservation Board by calling the Department of Community Development at 239-765-0202.

Sincerely,

Your Historic Preservation Board



### **COTTAGES! COTTAGES! COTTAGES!**

Fort Myers Beach has been the favorite beach town for generations of families from all around the world. The Historic Preservation Board is honoring the tradition of cottage design on Estero Island with a plaque program that spotlights and seeks to preserve our historic structures and historic districts. Owners of buildings that were constructed prior to 1960 and retain some of their original character are cordially invited to consider participating in the celebration!

### **HOW DOES THE PROGRAM WORK?**

The Historic Preservation Board has identified four historic districts in the town and four categories of historic importance for structures, vistas and archaeological resources. Plaques will be provided for individual properties after an application is submitted by the owner and reviewed for determination by the Board. It is a very user-friendly process. A descriptive brochure and application are included with this mailing for your consideration. A one-time fee of \$25 is charged to cover the cost of production of the plaque which is individualized for your property. You retain ownership of the plaque and are encouraged to visibly display it on your historic structure.

### **WHY PARTICIPATE?**

The greatest benefit for each property owner and for the community, is to share in the pride of our unique island heritage and style. In highlighting the value of our cottage designs and residential neighborhood character, we encourage all to preserve rather than tear down our historic resources.

For those who specifically apply for and receive the highest the category of historic importance, financial incentives are available through our Land Development Code. These incentives may include relief from FEMA flood plain restrictions and the ability to improve the structure beyond the 50% rule. A representative of the town's Community Development Department will gladly explain this to any interested property owner.

### **CELEBRATE! APPRECIATE! PRESERVE!**

We hope that you will consider participating in this voluntary program to honor our island history and preserve the best of the past for future generations to enjoy. Support by the community is the first step in plans to develop programs that record, educate and celebrate our unique heritage.

### **FOR FURTHER INFORMATION PLEASE CONTACT**

The Historic Preservation Plaque Program  
Department of Community Development  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL  
239-765-0202

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## Building codes slow business e

By BOB PETCHER

bpetcher@fortmyersnews.com

The Bouched Whale has become the latest island business that has been adversely affected by state building safety regulations, less than two months after being approved for a deck expansion via a special exemption request by Town of Fort Myers Beach officials.

Representatives of the 1249 Estero Blvd. restaurant were ready to break

ground on construction after they said they received all development orders and building permits.

They were shocked when they found out the most recent Florida Building Code under subsection 908.21.2 states automatic sup-



pression systems are required before any construction when the fire occupancy load reaches 100 or more.

In early June, Council granted approval to allow the addition of a front-side, outdoor dining deck where back-out parking spaces currently are situated. Two weeks ago, results from a Town building safety inspection dispirited staff members and consultants to the point where the idea of building a deck may be put on

### RUSTIC RECOGNITION

## Ad-hoc group looks at historic structures

By BOB PETCHER

bpetcher@fortmyersnews.com

Older structures on Water Island are getting a new look in terms of historical importance, reflected through interest, significance, recognition and, possibly, off-island designation within County, State or National registries.

Recently, an ad-hoc committee for the Town of Fort Myers Beach Historic Preservation Board reviewed a brochure and an application for determination of such importance. Committee members are encouraging Beach cottage owners and other owners of older structures to preserve the traditional design of their structures to aid in the "keep it funky" character of the island.

The project is aimed at the average homeowner or one who possesses a structure that has some historical value.

"This is a very casual, very voluntary program for people who own residences or structures or properties on the island to participate in a celebration of our history and the collecting of this information," said Historic Preservation Board and ad-hoc committee

member Joanne Sharp. "It's basically a low key, laid back recording of our history and a celebration of our past."

Sharp stated the program began as a collaboration between the Historic Preservation Board, Historic Advisory Committee and the Fort Myers Beach Historical Society and has been ongoing to recognize historic structures and sites on the Beach and encourage preservation among property owners that qualify.

"The HPB established the ad-hoc committee to do the preparation work to get the plaque program in full swing," she said. "We are laying the groundwork for educating the community and encourage the community to participate in the program and to recognize our historic structures and celebrate the cottage design that is sort of the fabric of our island neighborhoods."

See HISTORIC STRUCTURES, page 5

HPB *ad hoc* COMMITTEE REPORT ON HISTORIC PRESERVATION  
WORKSHOP QUESTIONS FOR HPB

The attached report was prepared by Joanne Shamp, HPB and HPB *ad hoc* committee, for introduction at the October 8, 2013 HPB Workshop on historic preservation. Thanks are extended to all who participated in the *ad hoc* committee meetings, including Josh Overmyer, AJ Bassett, Fran Santini, Al Durrett, John Kakatsch and Jane Plummer.

Please read the report and prepare your questions and suggestions so that the workshop time can effectively be used to prepare for near-future HPB hearings to adopt the preservation and plaque program.

Please consider these questions that will be posed by the *ad hoc* committee at the HPB workshop:

1. What fee should be charged to the property owner for the CHI determination process and plaque?
2. When should CHI determination hearings be held? (e.g. 1:00 pm following every odd month LPA meeting)
3. Which plaque designs do you prefer? Should each CHI have a different shape plaque?
4. How should plaques be presented? At HPB meetings?
5. Should there be a prescribed location for plaques on structures? Should they be visible from street?
6. Should CHI1 historic designations continue to have a formal plaque program on site?
7. Should cottage design standards (voluntary) be added to the LDC and Comprehensive Plan to encourage preservation of the cottage tradition in remodeling and redevelopment?
8. Establish schedule for determinations (for example: 1:00 pm following every odd month LPA meeting)
9. Consider fee to cover application process and plaques
10. Develop form for acceptance/signature of determination by property owner
11. Develop plaque designs for each CHI

#### PLAQUE PRESENTATION

1. Develop procedure for plaque placement (one ceremony every 4 months? Location on structure?)
2. Different program for CHI1?

#### LDC AND COMPREHENSIVE PLAN

1. Update LDC Chapter 22.
2. Prepare Comprehensive Plan amendments
3. Include optional cottage tradition design standards in LDC?