

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY:
Committees/Boards/Commissions/Examiners

CODE NUMBER:
AC-2-10

TITLE:
Establishment of the Boca Grande Historic Preservation Board and the Lee County Historic Preservation Board with Corresponding Rules of Procedure.

ADOPTED:
AC-2-10: 2/8/89
AC-2-13: 11/15/89

**AMENDED: Merged AC2-10 & AC-2-13: 8/31/94;
4/4/06, 2/26/2013**

ORIGINATING DEPARTMENT:
Community Development

PURPOSE/SCOPE:

The purpose and Intent of this Administrative Code is to establish two Historic Preservation Boards: (1) the Boca Grande Historic Preservation Board; and (2) the Lee County Historic Preservation Board. The Boca Grande Historic Preservation Board is responsible for the aesthetic, archeological, cultural, historical, and architectural heritage of the Boca Grande Community as defined in the Lee Plan. The Lee County Historic Preservation Board is responsible for the aesthetic, archeological, cultural, historical, and architectural heritage of the unincorporated areas of Lee County, excluding the Boca Grande Community. The Boca Grande Historic Preservation Board and the Lee County Historic Preservation Board may hereinafter be referred collectively as the "Board".

The primary purposes of the Board are:

1. Providing a mechanism to identify, protect, enhance and preserve the distinctive historic, archaeologic, scenic and architectural features of Lee County which represent elements of the County's cultural, social, economic, political and architectural history;
2. Fostering civic pride in the accomplishments of Lee County's past;
3. Conserving and improving the value of property designated historically or architecturally significant;
4. Supporting and promoting the economy by protecting and enhancing the attractiveness of Lee County to residents, tourists, and visitors;
5. Preventing future urban blight by encouraging preservation, restoration, and rehabilitation of structures, areas and neighborhoods; and
6. Promoting the use of historic sites, historic districts, archaeologic and scenic sites for education, pleasure and welfare of the citizens of Lee County.

POLICY/PROCEDURE:

A. Composition of Historic Preservation Boards

The composition of the Historic Preservation Boards is set forth in Chapter 22 of the Land Development Code.

AC-2-10 (Continued)

B. Jurisdiction

Upon appointment and the calling of its first meeting, the Boca Grande Historic Preservation Board has legal jurisdiction over the Boca Grande Community as defined in the Lee Plan. The Lee County Historic Preservation Board has legal jurisdiction over the unincorporated areas of Lee County, Florida, including the Boca Grande Community until the Boca Grande Historic Preservation Board is appointed and calls its first meeting; thereafter the Lee County Historic Preservation Board will only have jurisdictional authority within the Boca Grande Community for the limited purposes of funding special projects and reviewing and funding properties located within the Boca Grande Community that are the subject of applications requesting Historic Preservation grant money.

C. Officers

1. Each Board will elect a Chair and Vice Chair from among each Board's members by a majority vote and may create such other officers as each Board may determine.
2. Officers will be elected at the first regular meeting of each Board and will hold office for one year but may not serve for more than two consecutive years.
3. A vacancy occurring in any office will be filled by a majority vote of the remaining members of the subject Board.
4. Lee County will provide adequate staff to allow each Board to perform its duties. Staff will consist of at least one historic preservation planner and one clerical person who will be responsible for recording and transcribing the minutes of all meetings of each Board.
5. The Chair, or in his or her absence, the Vice Chair, will preside at all meetings and hearings of each respective Board and decide all points of order and procedure.
6. No Board members may take part in any hearing, consideration or determination of any case in which he or she is personally or financially interested.

D. Powers and Duties

Each Board will have the following powers and duties:

1. To adopt its own procedural regulations subject to the approval of the Board of County Commissioners.

a. Historic Preservation Funding Program: Lee County Historic Preservation Board

On or before 90 days from date of BOCC approval, the Historic Preservation Planner will recommend to the Lee County Historic Preservation Board procedures and criteria for evaluating special projects and properties that are the subject of an application requesting Historic Preservation grant money. These procedures and criteria will include the requirement that the Historic Preservation Planner provide a written report containing a review and recommendation to the Board that addresses the adopted criteria. At the next regularly scheduled meeting after the submission of the Historic Preservation Planner's recommendation, the Board will review the recommendations and either adopt the recommendations or adopt alternative procedures and criteria. A public record of the procedures and criteria will be maintained and made available for inspection by the public. Thereafter, the Board will use its adopted procedures and

criteria to evaluate special projects and properties that are the subject of an application requesting Historic Preservation grant money.

b. Historic Preservation Funding: Boca Grande Historic Preservation Board

If the Board of County Commissioners approves Historic Preservation funding for the Boca Grande Community to be administered by the Boca Grande Historic Preservation Board, then on or before 90 days from date of BOCC approval, the Historic Preservation Planner will recommend to the Boca Grande Historic Preservation Board procedures and criteria for evaluating special projects and properties that are the subject of an application requesting Historic Preservation grant money. These procedures and criteria will include the requirement that the Historic Preservation Planner provide a written report containing a review and recommendation to the Board that addresses the adopted criteria. At the next regularly scheduled meeting after the submission of the Historic Preservation Planner's recommendation, the Board will review the recommendations and either adopt the recommendations or adopt alternative procedures and criteria. A public record of the procedures and criteria will be maintained and made available for inspection by the public. Thereafter, the Board will use its adopted procedures and criteria to evaluate special projects and properties that are the subject of an application requesting Historic Preservation grant money.

2. To administer Chapter 22 of the Land Development Code within each Board's respective jurisdiction.
3. To maintain and update the findings of the historical and archaeological surveys and validate those findings.
4. To develop and maintain a register of all properties and structures that have been designated as historic architecturally or archaeologically significant, including all information required for each designation. The register will be compatible with the Florida Master Site File;
5. To advise and assist owners of historic properties or structures on physical and financial aspects of preservation, renovation, relocation, rehabilitation and reuse, and procedures for inclusion on the National Register of Historic Places;
6. To nominate historic architecturally or archaeologically significant structures and sites to the National Register of Historic Places and to review and comment on any National Register nominations submitted by other persons or organizations;
7. To develop and administer an appropriate system of historic and scenic markers and make recommendations to the Board of County Commissioners for the design and implementation of specific markings of the streets, and routes leading from one historic site or district to another;
8. To hold public hearings and to review applications for construction, renovation or refurbishment, alteration, removal, relocation or demolition affecting proposed or designated historic sites or structures and make recommendations to the Board of County Commissioners as to the propriety and effect of the construction, alteration, removal or demolition. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

AC-2-10 (Continued)

9. To develop specific design guidelines for the alteration, construction, renovation or refurbishment, relocation or removal of historic sites and structures within historic districts.
10. To evaluate, and comment upon decisions of other public agencies affecting the physical development and appearance of scenic and historically significant sites and structures;
11. To inform and educate the citizens of Lee County concerning the historic, architectural and archaeological heritage of Lee County by holding programs, seminars, and other similar presentations;
12. To periodically review the preservation element of the Lee Plan and to recommend to the Local Planning Agency any appropriate amendments that are for the protection and continued use of historic sites and structures;
13. To periodically review the Land Development Code, and to recommend to the Board of County Commissioners any appropriate amendments designed for the protection and continued use of historic sites and structures within historic districts or historic resources as defined in Chapter 22 of the Land Development Code;
14. In the name of Lee County and with the consent of the Board of County Commissioners, apply for, solicit, receive, or expend any federal, state or private grant, gift, or bequest of any funding, property, or interest in property in furtherance of the purpose of historic preservation;
15. Advise the Board of County Commissioners on all matters related to the use, administration, and maintenance of County owned historic and scenic properties; and
16. To undertake any other action or activity requested by the Board of County Commissioners necessary or appropriate to the implementation of its powers and duties or its implementation of the purpose of this administrative code.

E. Meetings

1. Each Board will meet at least once per month, at a date and time to be decided by each Board, unless there is no business pending before that Board. Regardless of the lack of pending business, each Board will meet at least four times during any calendar year.
2. Each Board's Chair, or in his or her absence, the Vice Chair, may call a special meeting of the Board upon at least five calendar days notice to each member of the subject Board. Adequate notice must be provided to all interested and affected parties. Special meetings may be called in the case of a continuation of previously advertised matters or as Historic Preservation Board workshop meetings. Special meetings must not be held in violation of the procedural requirements of Chapter 22 of the Land Development Code.
3. All meetings of each Board must be open to the public. A public record of each Board's minutes and resolutions must be maintained and made available for inspection by the public.

F. Attendance

1. Board members are expected to attend the following meetings:
 - A. Regular Historic Preservation Board meetings which are defined as those meetings regularly scheduled to carry out the duties of each Historic Preservation Board.

AC-2-10 (Continued)

B. Special Historic Preservation Board meetings, which are defined as those meetings called by the Chair of the respective Board upon at least five calendar days notice to each subject member; or scheduled by a majority vote of the subject Board at a regularly advertised meeting.

2. Attendance will be taken by each Board's staff at all regular or special meetings of each Board.
3. If a member of either Board fails to attend three consecutive regular meetings, or four regular meetings of their respective Board in any one calendar year, that Board's chair will certify the same to the Board of County Commissioners. Upon such certification, that member will be deemed to have been removed from the Board and the Board of County Commissioners will fill the vacancy by appointment.

G. Legislative Procedure

1. A majority of all members of each Board constitutes a quorum. No action may be taken by a Board unless a quorum is present.
2. A motion to recommend approval or a motion for denial of a petition for designation of a historic resource under Chapter 22 of the Land Development Code requires a simple majority vote of the members of the subject Board present and voting.
3. A motion to recommend the suspension of activities, issuance or denial of a Special Certificate of Appropriateness requires a simple majority vote of the members of the subject Board present and voting in order to be carried.
4. Recommendations to the Board of County Commissioners or to government officials for special study items or enforcement measures also requires a simple majority vote of the subject Board Members who are present and voting.

H. Historic Preservation Board Report and Agenda

1. No new items may be placed on the Agenda of either Board after the date the agenda has been advertised unless approved by the Chair of the subject Board.
2. Copies of the Agenda and backup documents of each Board must be made available to the public at the Planning Division five days prior to scheduled meeting day.
3. Each Board's Agenda will be advertised in a newspaper of general circulation at least five days prior to any Board meeting. All advertisements must adhere to Chapter 22 of the Land Development Code.
4. For proposed designation or proposed Special Certificate of Appropriateness reviews pursuant to Chapter 22 of the Land Development Code, the notice of the public hearing must be published in a newspaper of general circulation at least ten calendar days but not more than 20 calendar days prior to the date of the public hearing.
5. National Register nominations will be considered at public meetings conducted by the appropriate Board. Notices of these meetings must be advertised in a newspaper of general circulation at least five days prior to the Board meeting at which the nomination will be reviewed. Any additional notices must be made as required by the U.S. Department of Interior rules. Where appropriate, meetings will be held at the neighborhood level.

AC-2-10 (Continued)

6. The Historic Preservation Planner will provide a copy of the County recommendation to an applicant or applicant's agent at least five days prior to the scheduled meeting of the subject Board.

I. Order of Business at each Board's Meetings

- I. Call to Order;
- II. Approval of Minutes;
- III. Designation of Historic Structures or Districts;
- IV. Designation of Archaeological Sites or Districts;
- V. Special Certificates of Appropriateness;
- VI. Maintenance and Repair;
- VII. National Register Nominations;
- VIII. Special Study Items;
- IX. Receive and Schedule New Items for Review;
- X. Presentation of Items by the Public;
- XI. Presentation of Topics by Board Members;
- XII. Presentation of Topics by Staff;
- XIII. Future Meetings;
- XIV. Adjournment.

J. Procedural Rules

1. Hearings will be conducted in the following sequence:
 - A. Statement of the petition by the Historic Preservation Planner.
 - B. Presentation of information, documentation, correspondence and report or recommendation by the Historic Preservation Planner.
 - C. Statements by the petitioner(s) with supporting argument.
 - D. Statements by others at hearing in support of the petitioner.
 - E. Opposing statements by persons attending the hearing.
 - F. Rebuttal by petitioner.
 - G. Discussion by Board Members.
 - H. Motion and role call vote.
2. Each Chair may establish appropriate time limits for arguments and may request that representatives of each position speak for an entire group. If the Chair imposes time limitations those limitations will apply equally to both sides of the matter being discussed.
3. Appropriate language for Board motions:
 - A. Petitions for Designation as a Historic Resource:
Move for approval (or denial or continuance) of Petition (No.).
 - B. Special Certificates of Appropriateness - Move to approve (or approve with conditions, suspend action, deny, or continue) the Special Certificate of Appropriateness (No.).
4. The rules contained in the current edition of Robert's Rules of Order will be observed during the Board meetings where they are applicable unless those rules conflict with Chapter 22 of the Land Development Code or the procedures established herein. In that case, the provisions of the Land Development Code or this code will prevail as appropriate.

AC-2-10 (Continued)

K. Certified Local Government Requirements

In order to become a Certified Local Government, a local government must meet the requirements contained in 36 C.F.R. Part 61, which establishes regulations pursuant to the National Historic Preservation Act Amendments of 1980, Public Law 96-515 enacted on December 12, 1980. These requirements are met by Chapter 22 of the Lee County Land Development Code and by the following requirements as set forth below:

1. The Historic Preservation Planner must notify the Board of County Commissioners that any vacancies on either of the Historic Preservation Boards, including expired terms, must be filled by the Board of County Commissioners within 60 days and that extensions up to an additional 60 days may be granted by the State Historic Preservation Officer on a case-by-case basis.
2. Each Historic Preservation Board member should make a reasonable effort to attend the State Historic Preservation Office orientation program and subsequent training programs for Certified Local Governments. Board members should make every effort to be represented at any informational or educational meetings, conferences, or workshops pertaining to work and functions of the Historic Preservation Board scheduled by the State Historic Preservation Officer or the Florida Conference of Preservation Boards or Commissions.
3. When either Historic Preservation Board considers a National Register nomination proposal and other actions that will impact properties normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board, the respective Board must seek professional expertise in this area before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations or regional planning commissions) or by other means that the State Historic Preservation Officer determines appropriate.
4. All the Historic Preservation Board responsibilities will be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 C.F.R. 61.4(b).
5. All inventories must be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File.
6. Historic Preservation Board members are encouraged to participate in the process of surveying historic and/or archaeologically significant properties and in preservation planning carried out by the Certified Local Government (i.e. Lee County).
7. Rules of procedure adopted by the Lee County Board of County Commissioners for the Historic Preservation Board must be available for public inspection, per Sections 286.011, 119.011, and 267.021, Florida Statutes.
8. Appropriate local officials, owners of record and applicants must be notified of proposed Historic Preservation Board actions concerning a proposed nomination to the National Register according to requirements found in 36 CFR Part 60. Objections by owners of properties proposed for nomination must be notarized.
9. Each Historic Preservation Board will give at least 30 days' advance notice of its meetings to the State Historic Preservation Officer.

AC-2-10 (Continued)

10. Each Historic Preservation Board must submit the minutes of each Board's respective meeting and attendance figures for Historic Preservation Board members and the public to the State Historic Preservation Officer within 30 days of each meeting.
11. Each Historic Preservation Board must notify the State Historic Preservation officer of any change in that Board's membership within 30 days of any appointment.
12. Each Historic Preservation Board must immediately notify the State Historic Preservation Officer of all of their respective new historic designations or alterations of existing designations.
13. Each Historic Preservation Board must submit to the Historic Preservation Officer an annual report by November 1 of each year covering the previous October 1 through September 30. This report must address the following:
 - a. All changes to the Rules of Procedure;
 - b. The number of proposals reviewed;
 - c. All new designations;
 - d. Any changes in the membership of the Historic Preservation Board;
 - e. Revised resumes of the Historic Preservation Board members as appropriate;
 - f. A review of Survey and Inventory activity with a description of the system used; and
 - g. A program report on each grant-assisted activity.

L. Amendments

At any regular meeting of each Board, members may recommend to the Board of County Commissioners amendments to these Rules of Procedure by the affirmative vote of a majority of Board members. Upon approval of amendments by the Board of County Commissioners, the amendments will be incorporated into the Lee County Administrative Code.