

**CITY OF SANIBEL
ORDINANCE 22-009**

AN ORDINANCE AMENDING THE LOCAL REGISTER OF HISTORIC LANDMARKS OF THE CITY OF SANIBEL, HISTORIC PRESERVATION ELEMENT, PURSUANT TO CHAPTER 82, ADMINISTRATION, ARTICLE II, CITY COUNCIL, DIVISION 1, GENERALLY, SECTION 82-31, CONSIDERATION OF AMENDMENTS, RELATING TO PLACEMENT OF A STRUCTURE ON THE LOCAL REGISTER OF HISTORIC LANDMARKS AND ADOPTING AN UPDATED REGISTER, NAMELY PROPERTY OWNED BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, AND LOCATED AT 1019 PERIWINKLE WAY, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 98-33 of the Land Development Code provides for a procedure for placement of structures on the local (historic) register; and Section 82-31 of the Land Development Code provides for consideration of amendments to the Local Register of Historic Landmarks, which register is maintained by the City Manager and referenced in Section 3.2.4, Historic Preservation Element, Sanibel Plan; and

WHEREAS, the Priscilla Murphy Center, a Condominium, owner of the property located at 1019 Periwinkle Way, authorized Gus Simmons, Esq., to submit Application No. HPN-2022-000036 to allow for the placement of the structure on the City's Local Register of Landmarks; and

WHEREAS, 1019 Periwinkle Way is the legacy of Priscilla Murphy, the original property owner, resident, and namesake of the commercial center and has been recommended for consideration to be listed on the Local Register of Landmarks, as a place of historical importance; and

WHEREAS, Ms. Murphy lived on the island from the 1940's through the 1970's as a housewife, art teacher, owner and operator of a pottery studio (Hasta Manana), real estate agent, and established the first islander-owned real estate company (Priscilla Murphy Realty); and

WHEREAS, the structure at 1019 Periwinkle Way is one of the first commercial buildings on Periwinkle Way and has maintained its integrity in original design and setting, having been built in the late 1940's and early 1950's, and believed to be constructed of concrete blocks made from Sanibel beach sand and shells; and

WHEREAS, the applicant has requested approval of Application No. HPN-2022-000036 for the property located at 1019 Periwinkle Way; and

WHEREAS, the Historical Preservation Committee considered the application and recommended it for approval at its June 2, 2022 meeting; and

WHEREAS, the Planning Commission considered the application and recommended it for approval at a duly noticed public meeting on June 28, 2022; and

WHEREAS, after providing the applicant, staff, and the public an opportunity to present testimony and evidence, and having reviewed the record, the City Council finds that the criteria for granting the application detailed in Sections 98-34 and 98-35 of the Land Development Code have been met and that the application should therefore be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, FLORIDA THAT:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Development Permit Application No. HPN-2022-000036 to allow for the placement of a structure on the City's Local Register of Historic Landmarks owned by the Priscilla Murphy Center, a Condominium, located at 1019 Periwinkle Way and more fully identified as Tax Parcel No. 19-46-23-T3-00700.00CE, is hereby approved.

SECTION 3. The Local Register of Historic Landmarks is hereby amended to reflect this approval and add the Priscilla Murphy Center, and the table in Section 3.2.4, Historic Preservation Element of the Sanibel Plan, shall be updated to reflect the same; and

SECTION 4. The approval is pursuant to the application and attachments included with these items, and subject to the following conditions:

1. Development activities at the subject historic structure shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Any alterations to the original building (as depicted on Attachment A, attached hereto) shall maintain its existing appearance and character as approved by city permits prior to this effective date; except in restoring the building to its original execution or materials.
2. A certificate of appropriateness must be obtained prior to any future development activities at the Priscilla Murphy Center, except for ordinary maintenance, pursuant to Chapter 98 – Historic Preservation in the Land Development Code.
3. The exterior of the original building (as depicted on Attachment A, attached hereto) shall be and remain primarily white with black shutters, unless a certificate of appropriateness is obtained to approve a change.

SECTION 5. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 6. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 7. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 8. Effective date. This Ordinance shall be effective immediately upon adoption.

APPROVED AT FIRST READING THE 1ST DAY OF NOVEMBER 2022.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 6TH DAY OF DECEMBER 2022.

Attest:

Scotty Lynn Kelly, City Clerk

Holly D. Smith, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
Johnson _____
Crater _____
Henshaw _____
Miller _____

First Reading: November 1, 2022

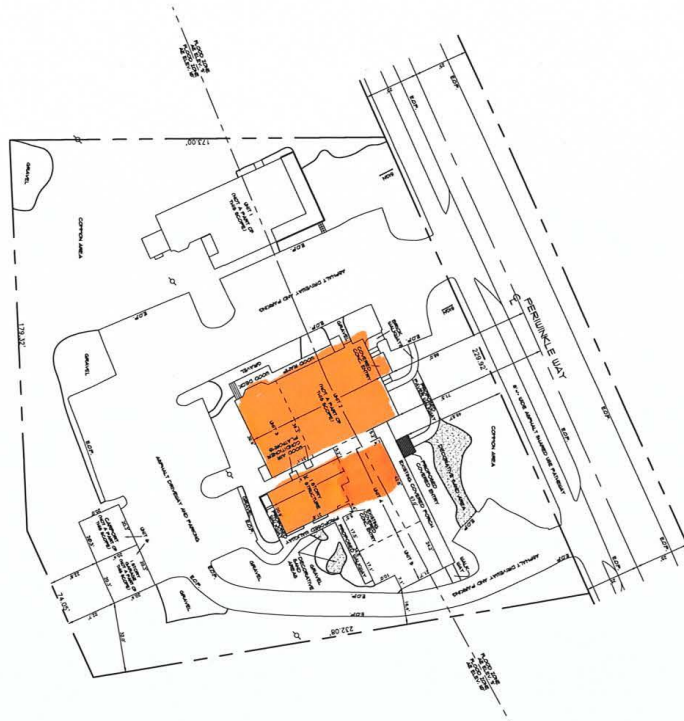
Publication: _____

Second Reading: _____

Drawing Log: XX/XX/XX (XXX) XX/XX/XX (XXX) XX/XX/XX (XXX) XX/XX/XX (XXX) XX/XX/XX (XXX)
 Vic DePue, Moore and Spence Architects 8/17/2021 2:31 PM 21029-04-AS1.dwg

ATTACHMENT A TO ORDINANCE

Reviewed for code compliance
 Sanibel Building Div.
 8/26/2021, 5:11:22 PM
 11/22/2021 11:42:44 AM



GENERAL SITE NOTES:

1. THIS SITE IS AN EXISTING DEVELOPMENT. THE SITE LAYOUT, ALL PERMITS/ENTRANCES, AND ALL EXISTING UTILITIES ARE SHOWN. THE EXISTING UTILITIES ARE SHOWN FOR INFORMATION ONLY. THE EXISTING UTILITIES ARE NOT TO BE MOVED OR CHANGED WITHOUT THE WRITTEN PERMISSION OF THE SANITARY ENGINEER. THE EXISTING UTILITIES ARE NOT TO BE MOVED OR CHANGED WITHOUT THE WRITTEN PERMISSION OF THE SANITARY ENGINEER.
2. THE EXISTING UTILITIES ARE SHOWN FOR INFORMATION ONLY. THE EXISTING UTILITIES ARE NOT TO BE MOVED OR CHANGED WITHOUT THE WRITTEN PERMISSION OF THE SANITARY ENGINEER. THE EXISTING UTILITIES ARE NOT TO BE MOVED OR CHANGED WITHOUT THE WRITTEN PERMISSION OF THE SANITARY ENGINEER.
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ARCHITECTURAL SITE PLAN
 SCALE: 1" = 20'

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A PROPOSED TENANT RENOVATION FOR:
 - JOHN R. WOODS REALTY -
 1019 PERIWINKLE WAY
 SANIBEL, FLORIDA 33957
 ARCHITECTURAL SITE PLAN



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 12613 NEW BRITTANY BLVD.
 FORT MYERS, FLORIDA 33907
 (239) 278-3520 FAX (239) 278-3519
 AR 0010883 / AR 0010830

