

INSTRUCTIONS FOR APPLICANTS of CERTIFICATE OF REVIEW FOR HISTORIC PROPERTIES

CHAPTER 114 of the CITY OF FORT MYERS LAND DEVELOPMENT CODE

The City of Fort Myers has three historic districts within its City limits. They are named the Downtown District, Edison Park, Dean Park and Seminole Park. Chapter 114 of the Land Development Code (LDC) was adopted to set forth regulations, among other things, for review of alterations, construction, and demolition of structures located within the three designated historic districts. The review takes place prior to submittal for any other permits, including building permits. For complete regulations concerning Historic Preservation, please refer to Chapter 114 of the Land Development Code.

The Historic Preservation Commission (HPC) has been formally established to meet and review the architectural details of any construction to take place in order to preserve the architectural integrity of the historic districts. The staff of the Planning Division of the City serves as staff to the HPC; and, processes and reviews proposed construction of structures, additions and accessory structures within all three historic districts.

When a Certificate of Review is Required or Not Required: The regulations for when a Certificate of Review is required or not are included in the Land Development Code, Chapter 114, Section 114-71, as follows:

- (1) Before altering, relocating, or demolishing any structure, and before any new construction, within a historic district that has been designated by the City of Fort Myers.
- (2) Before altering, relocating, or demolishing any structure, and before any new construction, on the site of a landmark that has been designated by the City of Fort Myers.

When not required. A certificate of review is not required for the following activities, as described later in this article:

- (1) A certificate of review is not required for ordinary repair and maintenance that does not change the design, material, or appearance of exterior elements; see section 114-42(a)(1).
- (2) The color of paint on painted surfaces may be changes without a certificate of review. However, see section 114-72(a)(2) for criteria regarding painting of unpainted surfaces including brick or masonry.
- (3) During a state of emergency, certain required repairs may be made without a certificate of review; see section 114-81.

Instructions for the Application: The following instructions are to be followed in order to submit an application for a Certificate of Review.

1) Pre-Application Meeting with City Staff

- a. A Pre-Application Meeting with City Staff is required prior to submittal of an application for construction of a new building (not including a shed).
- b. The applicant will be asked to describe the nature of the project.
- c. Please bring a drawing of the proposed project to the meeting. Any type of drawing may be used but must be to scale. Pictures may be used for accessory uses like fences or sheds.
- d. Staff will discuss applicable standards, applicable information requirements, application format requirements, and the timing of review and approval.
- e. Arrangements for the meeting may be made by calling the Community Development Department, Nicole DeVaughn, Planning Manager, 321-7975.

2) Application Deadline; Review

Public hearings cannot be scheduled until all required information is provided.

- a. In order to be heard that same month, a complete application must be submitted by the 1st Friday of the month.
- b. Once an application is submitted, the City will notify the applicant whether the application is complete and sufficient for review.
- c. The Historic Preservation Commission shall, within 60 days of staff's receipt of a complete application package, hold a public hearing upon each application. (Sec. 114-83.)

3) Staff Report and Recommendation

- a. A staff report will be prepared following the conclusion of review that will include basic information regarding the project.
- b. The staff report will include a recommendation, listing the deviations, terms or conditions for the project.
- c. Staff will recommend approval, approval with conditions, or denial of the request.

4) Sign shall be Posted on the Property

- a. The applicant is responsible for posting a sign provided by the City on the subject property regarding the date and time of the Public Hearing in front of the Historic Preservation Commission.
- b. The sign must be posted a minimum of seven (7) days prior to the meeting.
- c. A notarized Affidavit of Posting and a picture of the posted sign must be returned to staff prior to the meeting. Digital dated photos may be emailed. (Sec. 114-76.)

5) Historic Preservation Commission (HPC) Public Hearing

- a. The Historic Preservation Commission (HPC) meets regularly on the 4th Thursday of each month at 4:00 p.m. in City Council Chambers at City Hall, 2200 Second Street.
- b. The applicant or agent shall be present at the scheduled hearing. If you are unable to attend, notify Staff one week prior to the meeting.
- c. The HPC will review the application for consistency with the Secretary of Interior Standards and City regulations; consider the Staff report and recommendation; and make a final decision.
- d. HPC members volunteer to serve without compensation and are appointed by the City Council.

6) Number of Copies of the Application for Submittal

- a. Submit one (1) original and 14 copies of the application plus all required attachments.
- b. Submit to the Community Development Department by the 1st Friday of the month for staff review.
- c. Additional copies may be required later if additional information is required, for distribution to the Commission. Staff will contact the applicant and notify them of the number and date the copies are due for the public hearing, if any.

7) Fees: there are no fees at this time.

8) Attachments for All Applications

The following documents shall be submitted with all applications. A total of one (1) original and 14 copies of the application and all attachments are required for each submittal. Drawings shall be a minimum of 8.5" x 11" or 11" x 17" in size, unless larger copies are required by staff due to the scope of the project. The following is a list of attachments to be submitted with the application.

- a. Letter of Intent stating:
 - i. the actual request
 - ii. why the request is being made
 - iii. benefits to the City and surrounding community
 - iv. name of the project, owner, and agent
- b. Forms Signed and Notarize (Provided by City, See Attached)
- c. A copy of a recent survey.

- d. Existing Conditions Site Plan: The existing conditions site plan, if not included on the survey, must be drawn to scale: recommended are 1/8", 3/16" or 1/4" = 1 inch. An aerial may be permitted as a substitute as determined by staff. Please include the following on the site plan.
 - i. North arrow and scale.
 - ii. Date of preparation of the plan.
 - iii. Name and location of all alleys and existing streets adjacent to the site.
 - iv. Location and width of all easements for utilities and drainage within and/or adjacent to the site.
 - v. Perimeter lot line.
 - vi. Location, height and type of fencing on the property.
 - vii. Location of adjacent sidewalks.
 - viii. Footprints of all buildings on the property including sheds, garages and carports.
 - ix. Distance between buildings and the property line.
 - x. Footprint of driveway and walkways.
 - xi. Location of major trees, if applicable.
- e. Samples: Samples of materials to be used shall be submitted with the application as needed to fully describe the proposed appearance, color, texture, materials or design of the building(s), structure(s) and any outbuilding, wall, courtyard, fence, landscape feature, paving, storage, architectural element or exterior lighting.
- f. Elevations of all sides of the building to be modified shall be provided.
- g. Manufacturer specifications shall be provided for all material changes, including but not limited to doors, windows, fences, siding, roofing, etc.
- h. Adequate information to enable the Historic Preservation Commission to visualize the effect of the proposed undertaking on adjacent buildings and streetscape within an historic district shall be provided.
- i. Photos of the structure to be modified shall be provided with the application.

9) **Attachments for New Structures or Additions to Existing Structures.** In addition to the items listed in (8) above:

- a. Full plans and specifications, signed and sealed
- b. Landscape plans, signed and sealed

10) **Disclosure of Ownership Requirements.** No application shall be accepted unless it is presented on the official forms provided by the City.

- a. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust option, assignment of beneficial interest, or any form of representative capacity whatsoever for others, except as otherwise provided in Chapter 98 of the land development code, shall make a public disclosure in writing, under oath, and subject to the penalties prescribed for perjury. In the case of a trust, the four (4) largest beneficiaries must also sign the affidavit.
- b. Exemption include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission or in corporations registered pursuant to Chapter 517, Florida Statutes, whose stock is for sale to the general public.
- c. The written disclosure shall be made to the city manager at the time of application. The disclosure information shall include the name and address of every person having a beneficial interest in the real property, however small or minimal. All evidence submitted shall be subject to the city's satisfaction, and said satisfaction shall be liberally interpreted in favor of the city's interest having a beneficial interest in the real property, however small or minimal
- d. The city shall send written notice to the person required to make disclosures, under Chapter 98 of the land development code, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made pursuant to this article.
- e. Sign in **blue** ink, and certify applicable affidavit attached herein.

It is important that the application be filled out properly. The City accepts no responsibility for the completeness and accuracy of the application, and will not process an incomplete or inaccurate application.

CITY OF FORT MYERS

APPLICATION FOR CERTIFICATE OF REVIEW

Date: _____

1) Address of Property to be Reviewed:

2) Name of Historic District the Property is located in: Downtown, Edison Park, Dean Park or Seminole Park:

3) Locally Designated Landmark? Yes or No
If yes, name: _____

4) National Register of Historic Places? Yes or No
If yes, name: _____

5) Property Owner(s): Name, address, and email of all owners of the property. Name and address of all parties having interests in the subject property, including owners, major stockholders of corporations and beneficiaries of trusts (attach sheets if needed).

Name: _____
Business Name: _____
Address: _____
City, State, Zip: _____
Office phone: _____
Cell phone: _____
Email address: _____

6) If Property Owner is other than individuals: Name and address of all parties having interests in the subject property, including owners, major stockholders of corporations and beneficiaries of trusts (attach sheets if needed).

Name: _____
Business Name: _____
Address: _____
City, State, Zip: _____
Office phone: _____
Cell phone: _____
Email address: _____

7) Name of Applicant or Agent, if different from above:

Name: _____
Business Name: _____
Address: _____
City, State, Zip: _____
Office phone: _____
Cell phone: _____
Email address: _____

8) Property Address and Strap #:

No. of Parcels: _____
1st Address: _____
Strap #1: _____
2nd Address: _____
Strap #2: _____
3rd Address: _____
Strap #3: _____

9) Date Property Acquired:

10) Description of Location of Property. Please list adjacent streets:

11) Surrounding Uses:

Residential application: indicate the type of residential unit on each side of your property: single family, duplex, apartment building, tri-plex, etc.

Commercial application: list businesses by name and description of use (e.g. Smith's Auto Service Center, repair of semi-trucks):

Your Parcel: _____
North: _____
South: _____
East: _____
West: _____

12) Dimensions, Size of Property:

Length: _____
Width: _____
Area in s.f: _____
Acres: _____

13) Date of Construction of Historic Structure:

14) Historic Significance: Please supply any information that is known or available re: dates of importance, distinctive architectural features or materials, construction techniques, association to persons or events:

15) Type of work. Mark with an "X" for those that apply:

Alteration: _____
Demolition: _____
New construction: _____
Reconstruction: _____
Excavation: _____
Relocation: _____

16) Alteration Type. Mark with an "X" for those that apply:

Dock/ Pier: _____
Door: _____
Fence: _____
Garage: _____
Gate: _____
Shed: _____
Roof: _____
Windows: _____
Signage: _____
Other: explain: _____

17) Project Description: Describe all work proposed and attach sheets if necessary:

18) Will another application be required for this property such as a Variance, Conditional Use, or other special application?

NO:

YES: Please Explain:

AGENT AUTHORIZATION AND AFFIDAVIT

I, (Name)

being first duly sworn, depose and say that I am the authorized representative of the owner(s) of the property described as:

No. of Parcels: _____

Addresses: _____

Strap #: _____

Agent Information: _____

Address: _____

City, State, Zip: _____

Office phone: _____

Cell phone: _____

Email address: _____

I hereby certify that the answers to the questions in this application and all sketches, data, and other supplementary materials attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Signature: _____

Printed Name: _____

Sworn to and subscribed before me this ____ day of _____, 20____, by

_____, who is personally known

to me or has produced _____ as identification.

He/she acknowledged before me that he/she has executed this instrument for the reasons therein expressed.

Notary Public Signature: _____

Notary Public Name: _____

My commission expires: _____

DISCLOSURE OF OWNERSHIP INFORMATION

(SIGN AND CERTIFY APPLICABLE AFFIDAVIT ATTACHED HEREIN)

AFFIDAVIT OF BENEFICIARIES

I, (Name)

_____ as a beneficiary of that certain land trust which owns property identified as follows:

No. of Parcels: _____
Addresses: _____
Strap #: _____

I hereby disclose that I am a beneficiary under said land trust and consent to the filing of an application for a public hearing on the above described property. I understand that this application must be complete and accurate before a hearing can be advertised.

Signature: _____

Printed Name: _____
Name: _____
Address: _____
City, State, Zip: _____
Office phone: _____
Cell phone: _____
Email address: _____

Sworn to and subscribed before me this ____ day of _____, 20__, by

_____, who is personally known to me or has

produced _____ as identification. He/she acknowledged before me that he/she has executed this instrument for the reasons therein expressed.

Notary Public Signature _____

Notary Public Name: _____

My commission expires:

DISCLOSURE OF INTEREST AND AUTHORIZATION FORM

[Multiple Owners]

We,

being first duly sworn, depose and say that we are the owners of the property described as:

No. of Parcels: _____

Addresses: _____

Strap #: _____

We do hereby appoint _____ as our authorized agent and/or attorney for the purpose of representing our interests in the above-described property which is the subject matter of this application and proposed hearing. We understand that this application must be complete and accurate before a hearing can be advertised.

Signatures: _____

Typed or Printed Name: _____

Sworn to and subscribed before me this ___ day of _____, 20___, by

_____, who is personally known to me

or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Notary Public

My commission expires:

Print Notary Name

[add signature lines and notary clauses as needed on attached sheets]

DISCLOSURE OF INTEREST AND AUTHORIZATION FORM

[Corporate or Partnership Owner]

I, (Name) _____
As (Title) _____
of (Corp.) _____

being first duly sworn, depose and say that

Name: _____
Address: _____

is the owner of the property described as:

No. of Parcels: _____
Addresses: _____
Strap #: _____

I do hereby appoint _____ as the Owner's authorized agent and/or attorney for the purpose of representing its interests in the above-described property which is the subject matter of this application and proposed hearing. I understand that this application must be complete and accurate before a hearing can be advertised.

Signature of
Owner: _____

Printed Name: _____

Sworn to and subscribed before me this ___ day of _____, 20___, by
_____, who is personally known to me

or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Notary Public

My commission expires:

Print Notary Name

DISCLOSURE OF INTEREST AND AUTHORIZATION FORM

[Individual Owner]

I, _____, being first duly sworn, depose and say that I am the owner of the property described as:

No. of Parcels: _____
Addresses: _____
Strap #: _____

I do hereby appoint _____ as my authorized agent and/or attorney for the purpose of representing my interests in the above-described property which is the subject matter of this application and proposed hearing. I understand that this application must be complete and accurate before a hearing can be advertised.

Signature of
Owner:

Printed Name: _____

Sworn to and subscribed before me this ___ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Notary Public

Print Notary Name

My commission expires:

DISCLOSURE OF INTEREST AND AUTHORIZATION FORM

[Trustee Owner]

I, _____, Trustee, being first duly sworn, depose and say that I am the owner of the property described as:

No. of Parcels: _____
Addresses: _____
Strap #: _____

I do hereby appoint _____ as my authorized agent and/or attorney for the purpose of representing my interests in the above-described property which is the subject matter of this application and proposed hearing. I understand that this application must be complete and accurate before a hearing can be advertised. I hereby disclose that the four largest beneficiaries of the Trust are as follows:

Signature:

Printed Name: _____

Sworn to and subscribed before me this ___ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Notary Public

My commission expires:

Print Notary Name

DISCLOSURE OF SUPPORT OR NOT TO OBJECT

(Principal)

Accurate and complete disclosure is required from time of application submittal up to the time of the actual public hearing. It is the principal's responsibility to disclose any and all information regarding compensation paid, offered or received up to the time of the public hearing. Opportunity will be provided at the public hearing to disclosure any additional information not included on this form.

Describe all monies or compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to person or entity or to a third party.

(Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future).

I,

Address: _____

City, State, Zip: _____

Office phone: _____

Cell phone: _____

Email address: _____

do hereby acknowledge that I have read the requirements for Disclosure of Support or Not To Object and offer the following written disclosure. Compensation given or Offered:

Reason for Compensation: Support or Not To Object (circle applicable option).

Any failure to make disclosure shall render the relief or item being sought by the Principal invalid.

Violation may also cause any prior approvals to be overturned and can defeat any vested rights as a result of such prior approval, in addition to any other remedies allowed by law.

ACKNOWLEDGEMENT

REQUIREMENTS FOR DISCLOSURE OF SUPPORT OR NOT TO OBJECT

The City Code, Sub-Part A, Administrative Code, Chapter 2, Administration, Article II, City Council requires disclosure be made for all items requiring a public hearing before City Council as follows:

Sec. 2-40. Disclosure requirements. The following provisions related to disclosures are to be made by principals at public hearings. The term principal shall include and extend to any other person or entity appearing on behalf of a principal, including, but not limited to agents, representatives, attorneys, contract purchasers, or any other individual or entity acting on behalf of a principal purchaser or owner.

- (1) All persons or entities seeking any approval, contract, concession, license or any other relief that requires a public hearing before the city council are required to comply with the disclosure requirements. Provided, however, that in cases in which the relief sought is related to a land use application, disclosure shall be required only by the applicant for such relief. Except to the extent such disclosure is prohibited by a confidentiality order from a court of competent jurisdiction, such persons or entities shall:
 - a. In all items requiring a public hearing, including land use matters, disclose in writing to the city council or verbally on the record at such public hearing, all moneys or compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to the person or entity or to a third party. Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future. The disclosure shall include the name of the person or entity offered the compensation, the specific compensation offered, what the person was requested to do or refrain from doing in exchange for said compensation, and whether and to whom the compensation was paid; and
 - b. In all items requiring a public hearing, including land use matters, disclose in writing to the city clerk or verbally on the record at such public hearing, all moneys or compensation as defined above, sought or requested by a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was requested for or paid to the requestor or a third party. The disclosure shall include the name of the person or entity seeking the compensation, the specific compensation sought, what the person offered to do or refrain from doing in exchange for said compensation, and whether the compensation was actually paid and to whom.
- (2) Any violation of the above shall render the relief or item being sought by the principal voidable by the city council. Violation may also cause any prior

approvals to be overturned and can defeat any vested rights as a result of such prior approval, in addition to any other remedies allowed by law.

I do hereby acknowledge that I have read the requirements for Disclosure of Support or Not To Object listed above and recognize that this disclosure must be made in writing and stated verbally on the record at the public hearing.

Signature of
Principal:

Printed Name:

Sworn to and subscribed before me this ___ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Notary Public

My commission expires:

Print Notary Name