



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

**Tuesday, December 1,
2020**

11:30 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Minutes of October 13, 2020 meeting

V. PUBLIC HEARINGS

A. Comprehensive Plan Amendment to Utilities Element

Request the Local Planning Agency make a recommendation to the Town Council to transmit the proposed Utilities Element text amendments along with data and analysis to the Department of Economic Opportunity for review.

B. Amendments to LDC Ch 6 and 34

Recommend approval of the proposed amendments removing and adding text to LDC Sec 6-366, Sec 14-11, 34-2441, Sec 34-2, Sec 34-3041 thru Sec 34-3048.

VI. ADMINISTRATIVE AGENDA

VII. LPA MEMBERS ITEMS/REPORTS

VIII. LPA ATTORNEY ITEMS/REPORTS

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

X. ITEMS FOR NEXT MONTHS AGENDA

XI. PUBLIC COMMENT

XII. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

**Town of Fort Myers Beach
Agenda Item Summary**

Blue Sheet Number: **2020-100**

1. **Requested Motion:**

Minutes of October 13, 2020 meeting

Meeting Date: December 1, 2020

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

APPROVAL OF MINUTES

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. Draft LPA minutes 10.13.2020

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

John R Herin Jr, Town Attorney

Date: November 23, 2020

Amy Baker, Deputy Town
Clerk

Date: November 23, 2020



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, October 13, 2020

9:00 AM

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Present: Chair Heil, Forrest Critser, Dan Hughes (arrived late), Jane Plummer (arrived late), Scott Safford, Karen Swanbeck and Patrick Vanasse.

II. INVOCATION

Chair Heil.

III. PLEDGE OF ALLEGIANCE

V. APPROVAL OF MINUTES

A. Draft Minutes for September 10, 2020

LPA Member Critser moved to approve the minutes; second by LPA Member Safford.

Motion approved; 5-0 with LPA Members Hughes and Plummer not in attendance.

New member Patrick Vanasse introduced himself.

IV. REORGANIZATION OF LPA MEMBERS

(Member Dan Hughes and Member Jane Plummer arrived late at approximately 9:05 a.m.)

A. Selection of Chair

LPA Member Hughes nominated Chair Heil as Chair; second by LPA Member Plummer.

Motion approved; 7-0.

B. Selection of Vice Chair

Chair Heil moved to nominate LPA Member Plummer as Vice Chair; second by LPA Member Safford.

Motion approved; 7-0.

VI. PUBLIC HEARINGS

A. Approve/ Approve with condition/ Deny VAR20200038

Approve/ Approve with condition/ Deny VAR20200038 at parcels 167/177 Hercules Dr. and 4050 Bayside Rd to allow a relief from LDC Sec.34-1744 for location and height of a wall within front yard and waterbody setback. WITHDRAWN BY APPLICANT

Withdrawn by the applicant. Community Development Services Director Jason Green explained that applicant would have to re-apply if they wished to bring the item back.

B. VAR20200052: Accessory Structure Setback Variance

Approve/ Approve with condition/ Deny VAR20200052 at a Parcel 4690/4700 Estero Boulevard to Allow a Relief From LDC Sec.34-1174 for Accessory Structures to be Located Closer to the Street ROW than a Principal Structure.

Town Attorney Herin swore in those providing testimony. No ex parte communications were disclosed. Town Attorney Herin stated that the hearing had been properly advertised.

Fred Drovdlc, a planner from Waldrop Engineering, represented the applicant. He utilized PowerPoint for his presentation. He stated the house was built in 1940 and the owner intended to add a pool, a tiki hut structure, a deck and landscaping. He displayed a current picture of the property and indicated a restroom would be added. He noted that the draft of the site was preliminary. Mr. Drovdlc agreed with five of the six conditions. He requested flexibility regarding Condition 6.

Planning Services Planner Kalyani Bhutada reviewed the background of the request. She displayed a survey of the parcel, the proposed site plan and an elevation drawing. She noted that staff recommended approval with conditions.

LPA Member Safford clarified the location of the restroom.

Community Development Services Director Jason Green explained the intent of Condition 6 concerning massing. He noted the tiki structure would be side-by-side to the pool.

LPA Member Plummer spoke, but the microphone did not pick up most of her conversation. She questioned the requirement that the structure must be 60 feet from the street. Director Green replied that it was a de minimus component.

LPA Member Hughes clarified that the pool would be raised with fencing installed around it.

Owner Claudia Metcalfe stated that the pool would have a sliding cover for safety. She added that she would plant more landscaping.

LPA Member Hughes clarified that parking would be in the front. Director Green noted that the perimeter would be landscaped.

LPA Member Vanasse expressed concern regarding the height.

Ms. Metcalfe revealed that her neighbors wrote letters in support of their request.

No public comment.

Chair Heil moved to recommend approval of VAR20200052 with Conditions 1-6 on Page 72 and it met the criteria for a variance with findings and conclusions; second by LPA Member Plummer.

LPA Member Plummer felt that a 60-foot setback was excessive and she did not object to the tiki hut's location. Chair Heil replied that it was a two-story structure and went beyond a tiki hut. LPA Members Safford and Vanasse supported removing Condition 6.

Chair Heil amended her motion to recommend approval with Conditions 1-5 and LPA Member Plummer amended her second. The motion was approved; 7-0.

C. VAR20200036: Setback variance

Approve/ Approve with condition/ Deny VAR20200036 at a Parcel 5043 Williams Drive to Allow a Relief from LDC Table 34-3 for a Principal Structure Setback and from Sec. 34-1174 for an Accessory Structure Setback.

Town Attorney Herin swore in those providing testimony. There were no ex parte communications.

James Reichlin, applicant, reviewed the history of the property.

Planner Bhutada utilized slides for her presentation. She displayed the slide of the house's existing proposed condition and she noted that staff recommended approval of the request. She indicated that she was not sure whether the pool had been permitted during renovations in 2000. She noted that she would have to review the property appraisal.

Mr. Reichlin stated that he wanted to replace the stairs and enclose the entranceway. Director Green noted that the footprint was the same.

No public comment.

LPA Member Vanasse moved to recommend approval of VAR20200036, it met the conditions of approval and the conditions set forth by the Town; second by LPA Member Critser.

The motion was approved; 7-0.

VII. ADMINISTRATIVE AGENDA

See IX.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Member Plummer questioned dredging on the north end. Director Green replied that he would verify that it was a beach renourishment project. LPA Member Plummer questioned the red lights at Times Square. Town Attorney Herin replied that the change was probably due to the turtles.

LPA Member Hughes brought up new items starting on the back page of the prior item in their packet. Director Green replied that it was a software issue, but he would pass on the request. LPA Member Hughes suggested eliminating pages of names and addresses for the public hearings. Director Green replied that the names and addresses were included in the application.

LPA Member Swanbeck questioned the status of parking at Key Estero. Town Attorney Herin replied that the case was with the Special Magistrate.

LPA Member Critser noted that he was not required to answer any questions or comment at the last Town Council Meeting.

Chair Heil stated that she would attend the November 2, 2020, Town Council meeting. She questioned whether the side setback and height ordinance would see a second reading with Town Council. Director Green replied that it would be incorporated under other LDC items. Town Attorney Herin discussed simplifying language in the short-term rental ordinance and he noted they would contact the Attorney General's office for guidance.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Herin, Jr. stated that an LPA Member was required to be the Chair of the Historic Preservation Board (HPB) and a member of the Historic Preservation Advisory Committee (HPAC). LPA Member Safford described past activities of the HPAC, including updating the Historic Recognition Program. He questioned whether HPAC members were active since they had not met for months. Chair Heil questioned whether the LPA member had to be the Chair of the HPAC. Director Green did not think that was the case. LPA Member Critser volunteered to be the Chair of the HPB. LPA Member Safford stated he would attend the first HPAC meeting. Director Green noted that he would investigate changing the date of the HPAC meetings.

Town Attorney Herin reviewed the rules regarding the HPB and the HPAC. He noted the HPB created the HPAC with restrictions and the HPB could amend the resolution. The topic was added to the next agenda.

A. Sunshine Law, Ethics, Public Records

Sunshine Law, Ethics, Public Records, and Voting Conflicts

Town Attorney Herin introduced himself to new LPA Member Vanasse. He reminded LPA Members that they were required to take the mandatory ethics course online. He provided a refresher course on the four topics. He encouraged members to call him with questions.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Director Green questioned whether they would move their December meeting due to the heavy schedule at the beginning of the month. Consensus was reached to move the meeting to December 15, 2020.

XI. ITEMS FOR NEXT MONTHS AGENDA

HPB review.

XII. PUBLIC COMMENT

No public comment.

XIII. ADJOURNMENT

LPA Member Safford moved to adjourn the meeting; second by LPA Member Plummer.

The meeting was adjourned at 11:47 AM.

**Town of Fort Myers Beach
Agenda Item Summary**

Blue Sheet Number: **2020-83**

1. Requested Motion:

Meeting Date: December 1, 2020

Request the Local Planning Agency make a recommendation to the Town Council to transmit the proposed Utilities Element text amendments along with data and analysis to the Department of Economic Opportunity for review.

Why the action is necessary:

State Law requires local governments to provide updated 10-year Water Supply Plans. This includes recommended updates to the appropriate Elements within the Comprehensive Plan.

What the action accomplishes:

Compliance with State Laws

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Update to the Utilities Element
of the Comprehensive Plan

5. Background:

Florida Statute 373.709 and 163.3177(6)(c)3 require local water supply and work plan be updated within 18 months after the water management districts governing board updates its regional water supply plan. The plan shall consider a 10-year planning period. The included document is an update to the Town of Fort Myers Beach Comprehensive Plan Utilities Element. The amendment updates data and analysis, along with Goals, Objectives, and Policies.

The transmittal qualifies for an expedited state review. Following review of the Department of Economic Opportunity, the Town Council will hold another public hearing to consider an Ordinance to adopt the proposed amendments to the Utilities Element of the Town of Fort Myers Beach Comprehensive Plan.

Attachments:

1. Comprehensive Plan Utilities Element update to comply with 10-Year water supply plan

Financial Impact:

10-year plan to ensure water supply

6. Alternative Action

Recommend the Town Council does not transmit the proposed amendments to the Utilities Element

7. Staff Recommendations:

recommend the Town Council transmits the amendments to the Department of Economic Opportunity

8. Recommended Approval:

Jason Green, Community Development

Date: November 24, 2020

Services

Date: November 24, 2020

John R Herin Jr, Town Attorney

Date: November 24, 2020

Amy Baker, Deputy Town Clerk

UTILITIES ELEMENT

INTRODUCTION

The Town of Fort Myers Beach is a retail provider of drinking water but does not provide other direct utility services. Three major utility services are provided by others:

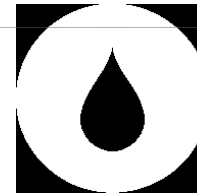
- **Bulk water** is provided by Lee County Utilities, a branch of Lee County government;
- **Sewer service** is provided directly to town residents and businesses by Lee County Utilities; and
- **Solid waste**, with pickup by investor-owned companies operating under a franchise from the Lee County government. Lee County also handles the ultimate disposal of trash from its various contracted trash haulers.

This comprehensive plan examines each of these services and assesses future expansion needs to accommodate growth. This plan also establishes “minimum levels of service” that must be met at all times in order for growth to continue.

Even though some of these services are actually provided by others, the Town must ensure that proper provisions are being made for continued high-quality service into the future. The Town may also wish to play a greater role in utilities in the future, for example by directly franchising its trash hauler rather than being included in one of Lee County’s larger contracts. Other alternatives for the Town are discussed in this element.

PURPOSE OF THIS ELEMENT

The Utilities Element analyzes the availability of public facilities to meet the existing and future needs of the Town. This analysis of potable water, sanitary sewer, and solid waste disposal service is mandated by Florida’s growth management legislation. [Chapter 163.3177 Florida Statutes](#)~~Rule 9J-5.001 of the Florida Administrative Code~~ requires that water, sewer, and solid waste services be provided in accordance with future land use projections, and it identifies a basic framework for inventories of existing infrastructure and services. It also provides the basis for the goals, objectives, and policies to be adopted in this comprehensive plan.



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If proper water, sewer, and solid waste facilities are not available, the timing and location of development can be affected, as occurred during sewer moratoriums at Fort Myers Beach in the 1980s. Planning for these services is an integral part of any comprehensive plan.

WATER SUPPLY

Florida Cities Water Company, a private company, provided potable (drinking) water to the Town of Fort Myers Beach and surrounding areas until 2001, when the company was acquired by Lee County Utilities, a branch of Lee County government. Lee County then resold the water distribution system on Estero Island to the Town of Fort Myers Beach.

UTILITIES ELEMENT

~~AS AMENDED BY ORDINANCE 09-03 [2008-11/12 TEXT]~~

PAGE 8 - 1 / ~~as amended 11-25-2009~~

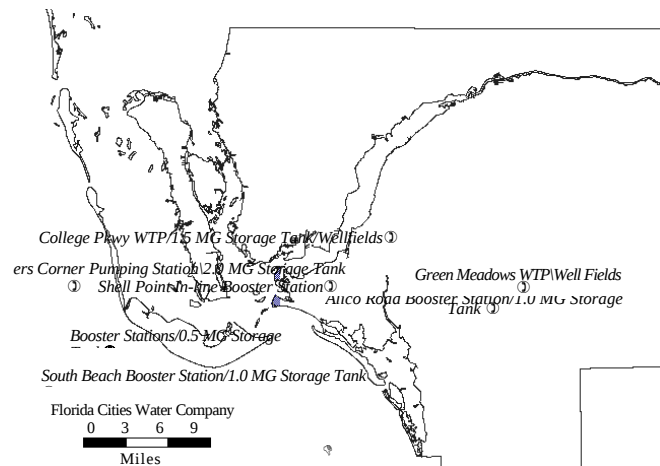


Figure 1. Former Florida Cities' south franchise boundaries & location of facilities

Figure 1 identifies the former Florida Cities' South Fort Myers certificated potable water supply area, which included the Town of Fort Myers Beach and nearby portions of mainland Lee County.

Lee County Utilities in 2001 acquired Florida Cities' two water treatment plants in the South Fort Myers area, which had supplied the following data about their operation. The Green Meadows Water Treatment Plant and College Parkway Treatment Plant, and their accompanying well fields, served this area. These plants had permitted and plant design capacities of 9,000,000 gallons per day (Green Meadows) and 1,500,000 gallons per day (College Parkway). These plants served approximately 16,000 water customers and an estimated population of about 56,000 (at an average of 3½ persons per connection). Land uses served are primarily residential and some commercial. Florida Cities

estimated that 3,000 of these customers and 10,500 of the population were located within the Town's limits. (The number of customers is less than the total number of dwelling units because a majority of dwellings within the Town are multi-family units, which share a water meter and are considered as "one customer.")

Florida Cities had a number of other facilities that served this area. These include:

- South Beach booster station and 1,000,000-gallon ground storage tank;
- North Beach booster station and 500,000-gallon ground storage tank;
- Marina in-line booster station;
- Miners Corner pumping station and 2,000,000-gallon ground storage tank; and
- Alico Road booster station and 1,000,000-gallon ground storage tank.

These facilities are also delineated on Figure 1. Figure 2 displays the potable water lines within the Town of Fort Myers Beach, indicating that potable water service is available throughout the Town.

The average annual daily water demand within the South Fort Myers area averaged 5,757,000 gallons per day in 1997. The peak monthly demand was 7,306,000 gallons per day in 1997; the peak daily demand was 7,781,000 gallons on March 23, 1997.

~~Florida Cities did not have a meter at Matanzas Pass that measured total water consumption in the Town of Fort Myers Beach. In place of this data, a "proportional capacity" can be calculated to estimate the percentage of actual water consumption and of water treatment capacity used by the town, relative to the entire service area on the mainland. This capacity~~

is based on the peak number of customers within each location, compared to the peak month's average daily water demand and the total design capacity of the treatment plant. These figures are shown in Table 8-1. (Proportional capacity figures can be somewhat misleading since demand may be greater in one location one day and less on another day.)

The "level of service" currently being provided can be estimated using various methods. Residential levels of service are expressed here in "gallons per person per day." This calculation uses the peak month's average daily demand, which is then divided by the estimated peak population for the entire service area, yielding a figure of about 130 gallons per person per day, as shown in Table 8-2. (Note that this calculation does not apportion water consumption to commercial or industrial uses.) This computation is based on the entire service area rather than just the town because the actual peak population of the town greatly exceeds the population estimates used by Florida Cities.

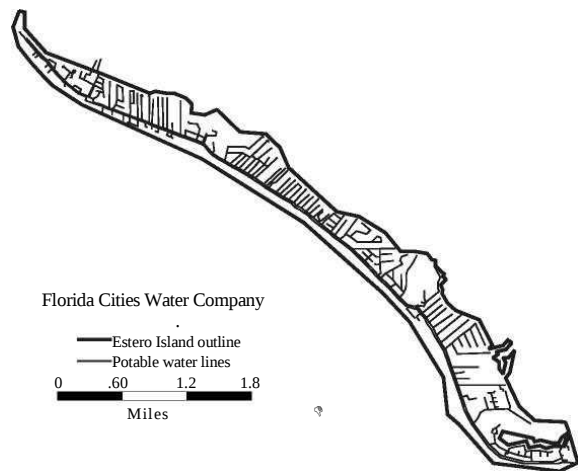


Figure 2, Potable water lines on Estero Island

Table 8-1 Proportionate Capacity of Potable Water Treatment Facilities, 1995/96

	Town of Fort Myers Beach	Remainder of Lee County certificated area
Approximate number of customers	3,000	13,000
Estimated peak population served	10,500	45,500
Estimated share of consumption using peak month water demand (gpd)	1,369,875	5,936,125
Estimated share of total plant design capacity (gpd)	1,968,750	8,531,250

Source: Population and total gpd figures from Florida Cities Water Company

Table 8-2 Current Levels of Service for Potable Water

Peak Month Average Daily Water Demand (gpd):	Estimated Peak Population Served:	Gallons Per Person Per Day:
7,306,000	56,000	130.46

Existing and Projected Water Facility Needs

Florida Cities used fixed gallon-per-day rates when designing its facilities. Single-family dwelling units are assumed to use up to 300 gallons per day, which constitutes one equivalent residential connection (ERC), and 240 gallons per day for multifamily units. Those standards have also been established in the Lee County Comprehensive Plan which has jurisdiction until the Town's own plan is adopted. Lee County also established minimum standards for mobile homes and recreational vehicles at 187.5 and 150 gallons per day respectively. The state has established a



Figure 2, Potable water lines on Estero Island

minimum water pressure standard of 20 pounds per square inch. An average pressure of 55 to 60 pound per square inch is maintained throughout the Fort Myers Beach distribution system.

For comprehensive planning purposes, the Town of Fort Myers Beach need not adopt these same standards. However, it would be best to use a standard based on dwelling units rather than people, since new housing is approved one dwelling unit at a time. By further defining this standard on an “ERC” basis, it can also be applied to new commercial development, which at Fort Myers Beach usually does not depend primarily on island residents for its customers. A simple and uniform standard would be 260 gallons per ERC (based on 130 gallons per person per day, times 2 people per typical unit). Since no further mobile home or recreational vehicle developments are expected, separate standards are not needed for them.

~~The 1990 U.S. Census reported 7,420 dwelling units within the town’s limits in April of that year. An additional 472 units were later constructed for a 1996 total of 7,710. As noted in the Future Land Use Element, housing units are ~~were~~ forecasted to increase to 8,738 at buildout before the year 2020, but was reached in 2018. ~~An additional 175 dwelling units built after 2008 are forecasted to require an additional 45,500 gallons per day of potable water. Table 8-3 summarizes these forecasts. Since buildout has been reached additional demands for water are negligible to nonexistent. In 2016 Fort Myers Beach issued a Rate Study Report that forecasted Customers and Demand through 2026. Table 8.1 summarizes the study’s report with the projected number of accounts and water usage that Fort Myers Beach has and will have through the year 2026.~~ These additional demands are a minute portion (0.1%) of the supply increases being planned by Lee County Utilities by 2030 (source: *Lee County’s Water Supply Facilities Work Plan*, as updated in July 2008/January 2016).~~

**Table 8-3—Forecasted Water Demand
for the Town of Fort Myers Beach**

<i>Year</i>	<i>Permanent Peak Season Population</i>	<i>Season Population</i>	<i>Total Number of Dwelling Units</i>	<i>Total Daily Water Demand (at 260g/DU)</i>	<i>Forecasted Number of New Dwelling Units after 2008</i>	<i>Additional Forecasted Water Demand after 2008</i>
1996	6,039	15,680	7,710	2,004,600	—	—
2003	6,792	17,635	8,157	2,120,820	—	—
2008	7,100	18,435	8,527	2,217,020	—	—
2013	7,240	18,800	8,696	2,260,960	140	36,400
2018	7,275	18,890	8,738	2,271,880	175	45,500
2023	7,275	18,890	8,738	2,271,880	175	45,500

Source: See Future Land Use Element and Evaluation/Appraisal Report (2007) for details on forecasts

Table 8.1 Forecasted Water Demand for the Town of Fort Myers Beach

<u>Year</u>	<u>Accounts*</u>	<u>Meter Equivalents</u>	<u>Units</u>	<u>Total Water Demand (MGD)</u>	<u>Additional Daily Forecasted Water Demand after 2018 (MGD)</u>	<u>Mo. Use per Unit (MG)</u>
2015	3,200	3,901	9,467	1.343	-	4.31
2016	3,224	3,925	9,491	1.348	-	4.32
2017	3,248	3,949	9,515	1.352	-	4.32
2018	3,273	3,974	9,540	1.356	-	4.32
2019	3,298	3,999	9,565	1.360	0.004	4.32
2020	3,323	4,024	9,590	1.364	0.008	4.33
2021	3,348	4,049	9,615	1.368	0.012	4.33
2022	3,374	4,075	9,641	1.372	0.016	4.33
2023	3,400	4,101	9,667	1.376	0.020	4.33
2024	3,426	4,127	9,693	1.380	0.025	4.33
2025	3,452	4,153	9,719	1.384	0.029	4.33
2026	3,479	4,180	9,746	1.389	0.033	4.33
2027	3,506	4,207	9,773	1.394	0.038	4.33
2028	3,533	4,234	9,800	1.399	0.043	4.33
2029	3,560	4,261	9,827	1.404	0.048	4.33

**The Town of Fort Myers Beach has reached build out with a permanent population of 7,275 and a peak seasonal population of 25,000. Minimal population growth is expected. Population growth is presented in the form of water use accounts, increasing by less than 30 accounts each year.*

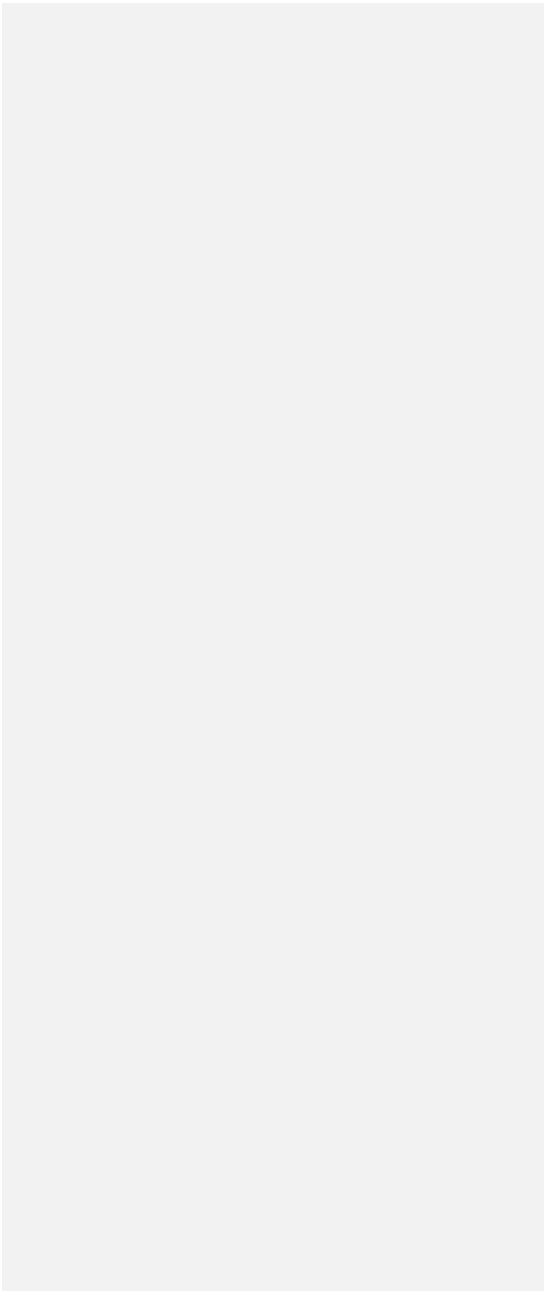
Source: See Fort Myers Beach Rate Study Report 2016 for details on forecasts.

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UTILITIES ELEMENT

~~AS AMENDED BY ORDINANCE 09-03 [2008 11/12 TEXT]~~

~~PAGE 8 - 4 / as amended 11-25-2009~~



Bulk Water Agreement with Lee County

In August 2001, the Town of Fort Myers Beach entered into a binding contract with Lee County concerning the source of potable water that would be supplied to customers within ~~town~~ Town boundaries.

The county agreed to be fully responsible for providing a bulk supply of water to the ~~town~~Town, which the ~~town~~Town would then resell to its retail customers. The county confirmed that its water production and treatment facilities met all state and federal standards (and would meet all future standards), and that the county has and would continue to have the ability to provide sufficient water to the ~~town~~Town for the duration of the agreement (a period of 25 years).

The ~~town~~Town agreed not to purchase water from any other source, not to resell this bulk water to any other wholesale customer, and not to construct its own water production and/or treatment facilities.

This contract did not quantify future water demand within the ~~town~~Town, inasmuch as the ~~town~~Town was nearing buildout and little additional demand was anticipated. Continued planning by Lee County Utilities merely assumes that water customers within the ~~town~~Town will require water at the same rates and with the same seasonal patterns as other nearby county water customers. This same approach is reflected in Lee County's ~~July 2008~~January 2016 "Water Supply Facilities Work Plan," which is being incorporated into this plan by Policy 8-A-4.

Traditional and Alternative Water Supply Sources

The South Florida Water Management District updated its Lower West Coast Water Supply Plan in ~~July 2006~~December 2017. The focus of this update was the development of "alternative" water sources, such as wells drilled into deeper aquifers, desalination, re-use of wastewater for irrigation, water conservation measures, and "aquifer storage and recovery" (ASR) where excess water during the rainy season is stored underground for later recovery during the dry season.

Lee County Utilities is committed to developing alternative water sources, including:

- ~~Constructing a Reclaimed Water ASR system in West Lee County to provide seasonal storage of reclaimed water produced at the Fort Myers Beach WWTP and/or the Fiesta Village WWTP. Tapping the Lower Hawthorne aquifer at four wellfields.~~
- ~~Improve reuse systems to enhance delivery and increase utilization. Expanding ASR wells from the two current wellfields to two additional wellfields, and expanding its use further in the future to include reclaimed water.~~
- Upgrade the reuse main from Fiesta Village WWTP to Fort Myers Beach Reuse System

Essentially all future water supply development by Lee County Utilities will use alternative water supply sources, although traditional sources such as shallow wells will continue in use and will be spread out onto larger wellfields to reduce adverse impacts on wetlands.

Work Plan for Constructing New Water Supply Facilities

In ~~July 2008~~ January 2016, a *Water Supply Facilities Work Plan* was published jointly by Lee County Utilities and Lee County Planning. This plan was first mandated state law in 2002 to coordinate water supply planning between local, regional, and state agencies. The objectives were to:

- Identify population and water demands for a planning period from ~~2007-2017~~ to 2030 with focus on the planning period from ~~2007-2017~~ to 2017-2027.
- Identify existing and planned potable and reclaimed water facilities that will be utilized to meet the projected demand to 2017-2027.
- Identify sources of raw water required to meet the projected demand.
- Identify planned potable water supply and reclaimed water projects required to meet projected demands and specify when they must be developed and how they will be funded.

- Demonstrate that the proposed water supply development projects are feasible with respect to facility capacity and consumptive use permitting.
- Describe Lee County Utilities' efforts in developing alternative water supplies.

Table ~~6-5~~ of the *Lee Plan 2019 Codification* (last updated in May 2019) is a document used to supplement the *Water Supply Facilities Work Plan*. This table ~~Water Supply Facilities Work Plan~~ (last updated in July 2008) presents a ten-year expansion program for Lee County Utilities (see Policy 8-A-4). Existing and proposed uses of traditional and alternative water supply sources are detailed there in conformance with SFWMD's ~~2005-2006~~ 2017 Lower West Coast Water Supply Plan Update (approved on July 12, 2006 ~~December 2017~~).

Lee County ~~has will~~ adopted Table ~~6-5~~ into its Comprehensive Plan potable water sub-element exactly as reprinted below. At present none of these improvements are needed to meet the potable water level of service at Fort Myers Beach; if any are needed during any upcoming five-year period, they will need to be included in the five-year schedule of capital improvements (Table 11-7) in the Capital Improvements Element.

TABLE 6
CAPITAL IMPROVEMENT PROJECTS
10 YEAR WATER SUPPLY DEVELOPMENT PROJECTS

CIP PROJECT #	LCU PROJECT NAME/ LWCWSP Project Name	DESCRIPTION	PROJECT STATUS	TOTAL PROJECT COST	ESTIMATED COMPLETION DATE	FUNDING SOURCE
7097	Corkcreek WTP Wellfield-Alcoo Road / Corkcreek Lower Hawthorne Wells	Design and construct a 5.0 mgd wellfield capacity and raw water transmission system.	The total wellfield expansion project is 30% complete and expected to be completed by November 2008. The alternative water supply portion of this project is 70% complete and expected to be completed in June 2008.	\$15,899,910.00	November 2008	Grant/Enterprise Fund
7187	Green Meadows WTP Plant Expansion / Green Meadows Lower Hawthorne Wells	Expand Green Meadows WTP capacity, construct additional wells and transmission lines to support plant expansion.	Completed an Expansion Process and Regulatory Evaluation. Currently constructing two test/production wells in the Lower Hawthorne aquifer.	\$37,000,000.00	2014	Grant / Debt Finance / Enterprise Fund
7602	North Lee County R.O. Plant Wellfield Expansion / Not included in the LWCWSP	Well installation of 2 Lower Hawthorne wells to reduce upconing and premature water quality decline.	Surveying for well sites and wellfield design expected to be underway by May 2008. Expected completion date is December 2008.	\$1,850,000.00	December 08	Grant/Enterprise Fund
7028	North Lee County WTP Expansion to 10 MGd / North Lee County Lower Hawthorne Wellfield and Plant Expansion	Expand the treatment capacity of the existing R.O. plant from 5.0 MGd to 10.0 MGd. Includes construction of the well field expansion.	Surveying for well sites and wellfield design expected to be underway by May 2008.	\$16,250,000.00	2010	Grant/Enterprise Fund
7156	Pinewoods WTP DW & Wellfield Expansion / Pinewoods WTP Expansion Phase II	Construct a deep injection well for disposal of brine and construct at least 4 Lower Hawthorne wells to provide raw water for R.O. plant.	Project substantially complete.	\$15,924,903.00	January 2007	Grant/Enterprise Fund
7110	ASR Wells @ No. Reservoir & Ciga WTP	Complete construction of 30 MGd Storage additional ASR wells.	Project on hold due to Arsenic issues.	\$2,435,552.00	Unknown	Grant/Enterprise Fund
7198	Green Meadows WTP Raw Water Line Improvements	Upsize/Replace raw watermain to increase wellfield efficiency.	scheduled for construction in 2008	\$2,300,000.00	December 2008	Enterprise Fund

ALTERNATIVE WATER RESOURCE PROJECTS

CIP PROJECT #	LCU PROJECT NAME/ LWCWSP Project Name	DESCRIPTION	PROJECT STATUS	TOTAL PROJECT COST	ESTIMATED COMPLETION DATE	FUNDING SOURCE
7280	Three Oaks WWTP Expansion / Three Oaks Reclaimed Water Transmission System	Expand the Three Oaks WWTP from 6.0 MGd to 10.0 MGd.	Reuse pumpstation portion of this CIP project for AWS Project. Project substantially complete.	\$27,452,866.00	January 2007	Grant/Enterprise Fund
7279	Three Oaks Parkway Wastewater / Three Oaks Play, Reclaimed Water Transmission System	Relocate and Upgrade Existing water, sewer and reuse lines along Three Oaks Parkway.	Reuse Pipeline portion of this CIP for AWS Project. Project substantially complete.	\$6,939,250.00	January 2007	Grant/Enterprise Fund
7297	FMB WWTP Elevated Reuse Storage Tank / FMB Reclaimed Elevated Storage Tanks	Construct an elevated reuse storage tank in the Fort Myers Beach WWTP Reuse system.	A low cost interim alternative has delayed the need for this project, now scheduled for 2011.	\$4,000,000.00	2011	Grant/Enterprise Fund
7284	Health Park Reclaimed Water ASR Phase I and Phase II	Pilot and construction of a Reclaimed Water ASR for Wastewater Treatment Facilities.	Issues related to Arsenic and ASR have delayed this project to 2011.	\$600,000.00	2011	Grant/Enterprise Fund
Future	Fiesta Village WWTP Reuse ASR Well and reject Storage	Study, design, and construct reuse ASR Well and convert existing GST to reject tank.	scheduled for 2011	\$1,500,000.00	2012	Grant/Enterprise Fund
7292	FGCU/Micromar Lakes Reuse Extension / FGCU/Micromar Lakes Reclaimed Water Main	Construct 900 L.F. of 12" reuse main from 3 Oaks WWTP to FGCU.	Design underway.	\$126,000.00	2009	Grant/Enterprise Fund
7217	FGCU/Micromar Lakes System Improvements	Install reuse lines to serve to serve FMB reuse service area.	Reuse lines will be constructed as need arises.	\$1,307,503.00	2008-2011	Enterprise Fund
7240	Pine Island WWTP Reuse System	Expand effluent transmission system to provide irrigation for future customers.	Reuse lines will be constructed as need arises.	\$1,082,806.00	2008	Enterprise Fund
7305	Three Oaks Reuse Transmission Lines	Upgrade/Expand 3 Oaks reuse Transmission lines to handle increased flows to various sites.	Reuse lines will be constructed as need arises.	\$780,000.00	2008	Enterprise Fund
7111	Automated Flushing Devices	Install automated flushing devices on existing dead-end water mains on-going.		\$160,865.00	2008-2010	Enterprise Fund

TABLE 5
10 Year Water Supply Development Projects
APPROVED LEE COUNTY CIP FY 18/19

WATER SUPPLY DEVELOPMENT PROJECTS					
CIP #	Lee County Project Name / LWCWSP Project Name	Description	Project Status	Total CIP Budget	Estimated Completion Date
207187	Green Meadows WTP Expansion / Green Meadows Water Treatment Facility RO Expansion	Expansion of the Green Meadows WTP from 9.0 MGD to 14.0 MGD and Expansion of the Green Meadows Wellfield Utilizing Lower Hawthorn Wells	Under Construction	\$89,380,335	2019
200633	North Lee County WTP Expansion to 15 MGD	Expand the existing North Lee County Treatment Plant from 10 MGD to 15 MGD treatment capacity. The expansion will utilize a reverse osmosis treatment system.	Planning	\$36,572,000	2024
207619	North Lee County Wellfield Expansion to 15 MGD	Design, permitting, land/easement acquisition and construction of six additional Lower Hawthorn Wells to provide the necessary raw water source for the North Lee County Water Treatment Plant expansion to 15 MGD	Under Construction	\$14,477,763	2023
ALTERNATIVE WATER SUPPLY PROJECTS					
207284	Reclaimed Water ASR / West ASR Wells for Reclaimed Water Storage	Construct a Reclaimed Water ASR system in West Lee County to provide seasonal storage of reclaimed water produced at the Fort Myers Beach WWTP and / or the Fiesta Village WWTP	Design & Permitting	\$6,524,723	2025
207455	Reuse System & Site Improvements	Improvements to reuse system to enhance delivery and increase utilization	Planning	\$6,269,563	2023
200616	Fiesta Village Reuse Main Upgrade	Upgrade the reuse main from Fiesta Village WWTP to Fort Myers Beach Reuse System	Under Construction	\$5,586,000	2020

Water Conservation

With an ever-increasing population and a limited potable water supply, water conservation programs become increasingly important. Citizens of Fort Myer Beach must do their part to conserve this resource. The South Florida Water Management District developed a water conservation program in 1990 which identified six measures specifically for urban areas. These measures identified in the District Water Management Plan (April 1995) include:

- limiting lawn irrigation to the hours between 5:00 P.M. and 9:00 P.M.;
- requiring the adoption of xeriscape landscape ordinances;
- requiring the installation of ultra-low-volume plumbing fixtures in all new construction;
- requiring the adoption of conservation-oriented rate structure by utilities;
- requiring the implementation of leak detection programs by utilities with unaccounted water losses greater than 10%; and
- requiring implementation of water conservation public education programs.

Active water conservation activities as of ~~2008-2016~~ are summarized here (also see Policy 8-A-5):

- *Permanent Irrigation Ordinance:* Lee County has imposed an ordinance restricting landscape irrigation to the hours of 5:00 PM to 9:00 AM two days per week (Ordinance No. 05-10). This ordinance is more restrictive than rules of the South Florida Water Management District.
- *Rain Sensors Required:* The Land Development Code requires rain sensors on new irrigation systems (§ 10-154(7)m).
- *~~Xeriscape~~ Florida Friendly Landscaping Requirements:* The Land Development Code requires ~~xeriscape~~ Florida friendly principles for all required landscaping (§ 10-421(b)). Xeriscape principles conserve water

through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas.

- *Leak Detection Program:* Lee County Utilities has an unaccounted-for water and leak detection program. The latest available data indicate that “unaccounted for” water losses are ~~only 6.22% (calendar year 2006); less than 1% per month (2018 calendar year)~~
- *Water Conservation Education:* Lee County TV airs daily information on water conservation, addressing many ways that water customers can conserve. The Lee County Utilities web site contains several pages devoted to water conservation (start at www.lee-county.com/utilities/). The annual Consumer Confidence Report directs customers to the web site for conservation information. Water conservation posters and pamphlets are placed in schools, libraries, and county offices. About 20 water conservation presentations are made to third-grade students each year, and 4-5 water conservation presentations are made to civic organization throughout Lee County.
- *Ultra-Low Volume Plumbing in New Construction Ordinance:* Table 901.1.1 titled, “Maximum Allowable Water Usage for Plumbing Fixtures” establishes maximum flow rates for plumbing fixtures.
- *Water Conservation Based Rate Structure:* Town of Fort Myers Beach has a conservation-based water rate structure, which includes an increasing rate with increasing use, as a means of reducing demand.
- *Meter Replacement Program:* Town of Fort Myers Beach has replaced all water meters in its water distribution system with remote read meters (AMI).

As the Town of Fort Myers Beach develops and maintains its public facilities, water conservation measures such as these should be followed, both to reduce consumption and to lessen costs for water supply. ~~The town should take the lead by example (for instance by installing ultra-low volume plumbing fixtures in new government facilities) and also by adopting~~

~~ordinances requiring sound water conservation practices. The town should consider implementing a strong “conservation rate structure” where large water users pay a higher rate per gallon~~

~~than is charged to frugal users. This approach could discourage excessive lawn irrigation while maintaining low rates for frugal users.~~

UTILITIES ELEMENT

~~AS AMENDED BY ORDINANCE 09-03 [2008-11/12 TEXT]~~

PAGE 8 – 7 / ~~as amended 11-25-2009~~

SEWER SERVICE

Lee County Utilities, a branch of Lee County government, provides sewer (wastewater) service to the Town of Fort Myers Beach. One of its service areas, known as the Fort Myers Beach/Iona-McGregor Service Area, includes Estero Island, San Carlos Island, and the Iona-McGregor district. This service is known as “sanitary sewer service” to distinguish it from “storm sewers” that collect excess rainwater.

Wastewater collected within the service area is transferred to the Fort Myers Beach Wastewater Treatment Plant where it is treated. A portion of the resulting effluent (after thorough treatment) is redistributed for irrigation purposes. Sewer bills are based on water usage, with charges billed by Florida Cities and then remitted to Lee County Utilities.

Figure 3 shows the boundaries of the Fort Myers Beach/Iona-McGregor sewer service area and the location of the wastewater treatment plant. Figure 4 shows the sanitary sewer lines within

the Town of Fort Myers Beach.

The original design capacity of the wastewater treatment plant in 1978 was 2,700,000 gallons per day. In 1989 it was expanded to its current design and permitted capacity of 6,000,000 gallons per day. As of September 1995, the plant served 7,015 residential and commercial customers. Land uses served are primarily residential (6,519 customers) with some commercial (496 customers).

The permanent and peak season populations within its service area are estimated to be 26,138 and 39,207 persons respectively. Lee County Utilities does not distinguish between the number of customers located within the separate districts of the service area. There are no legal on-site treatment and disposal systems remaining (package treatment plants or septic systems) on Estero Island, and the vast majority if not all structures are connected to the central sewer system in accordance with a mandatory connection policy. Therefore, the number of sanitary sewer customers within the Town of Fort Myers Beach can

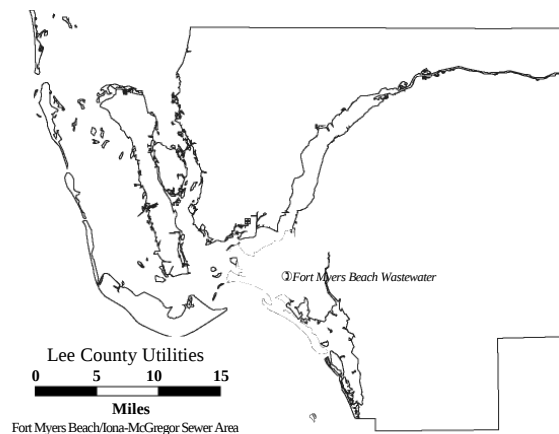


Figure 3, Sewer service area and wastewater plant

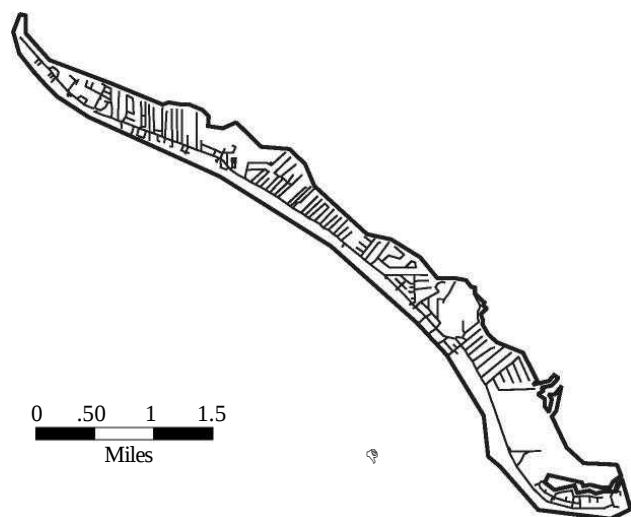


Figure 4, Sanitary sewer lines on Estero Island

be assumed to be the same 3,000 potable water customers reported by Florida Cities.

The average annual daily sewer demand within the South Fort Myers franchise area was 2,840,000 gallons per day between October 1994 and September 1995. The peak monthly demand was 3,436,000 gallons per day in February 1995. This type of data is reported every month by all utilities to the Florida Department of Environmental Protection.

As with potable water supply, a proportional capacity can be calculated to reflect the town's share of the larger service area of Lee County Utilities. This capacity identifies the percentage of actual wastewater flows and of wastewater treatment plant capacity used by the town and by the remainder of the service area. It is based on the peak number of customers within each

location, compared to the peak month's average daily sewer demand and the total capacity of the treatment plant. (As with potable water, the proportional capacity may be somewhat misleading since demand may be greater in one location one day and less on another day.) Table 8-4 reports the proportional capacity available to Fort Myers Beach.

Table 8-4 — Proportionate Capacity of Wastewater Treatment Facilities, 1995/96

<i>Customers/ Sewage Plant Consumption</i>	<i>Town of Fort Myers Beach</i>	<i>Remainder of Lee County service area</i>
Approximate number of customers	3,000	4,015
Estimated peak population served		
	1,469,423	1,966,577
	10,500	28,707
Estimated share of consumption using peak month sewer flows (gpd)		
Estimated share of total plant		
<u>design capacity (gpd)</u>	2,565,930	3,434,070

Source: Population from Florida Cities; gpd figures from Lee County Utilities

In the same manner as for potable water, the level of service *currently being provided* for sanitary sewer is expressed here in "gallons per person per day." This calculation uses the peak month's average daily flow, which is then divided by the estimated peak population for the entire Lee County Utilities sewer service area, yielding a figure of about 87½ gallons per person per day, as shown in Table 8-5. This is substantially less than the 130 gallons of *water* used per day, reflecting water consumption such as lawn irrigation that never flows into the sewer system. (Note that this calculation does not apportion sewer usage to commercial or industrial uses.)

Table 8-5 Current Levels of Service for Sewer Service		
<i>Peak Month Average Daily Sewage Flows (gpd):</i>	<i>Estimated Peak Population Served:</i>	<i>Gallons Per Person Per Day:</i>
3,436,000	39,207	87.64

Existing and Forecasted Sewer Service Needs

Lee County Utilities uses minimum level of service standards which have been established within the Lee County Comprehensive Plan. Those standards state that county sewage treatment plants will have the capacity to treat and dispose of 200 gallons per day per “Equivalent Residential Connection” (ERC) during the peak month. For mobile homes, the minimum level of service standard is 150 gallons per day and for recreational vehicles it is 120 gallons per day.

The town’s new comprehensive plan should use sewer standards comparable to those used for potable water, based in the same manner on observed usage rates adjusted “per ERC” rather than per person. A simple and uniform standard would be 175 gallons per day per ERC (based on 87½ gallons per person per day, times 2 people per typical unit). Since no further mobile home or recreational vehicle developments are expected, separate standards are not needed for them.

Table 8-6 displays the forecasted sanitary sewer demand for the Town of Fort Myers Beach for the two planning periods of this comprehensive plan. Assuming a growth of 411 dwelling units by the end of the first five-year planning timeframe in 2003, additional forecasted sanitary sewerage demand will be approximately 71,925 gallons per day using the 175-gallons-per-day standard. At buildout, an additional 617 dwelling units are forecasted to require an additional 107,975 gallons per day of

sanitary sewerage treatment capacity. These additional demands are only a small portion of the available capacity of the wastewater treatment plant (6,000,000 gallons available minus 3,436,000 gallons used during the busiest period).

Table 8-6 — Forecasted Sanitary Sewer Demand for the Town of Fort Myers Beach			
<i>Year</i>	<i>Total Number of Dwelling Units</i>	<i>Forecasted Number of New Dwelling Units</i>	<i>Additional Forecasted Sewer Demand</i>
1996	7,710 (based on actual building permits)		
2003 (first planning timeframe)	8,121	(forecasted)	411
	71,925 gpd		
2020 (second planning timeframe)	8,738	(forecasted)	617
			107,975 gpd

Source: See Future Land Use Element for permit forecasts

Performance of Existing Facilities

The Fort Myers Beach Wastewater Treatment Plant has been in operation since 1979. It is in good condition, with sufficient treatment capacity but inadequate effluent disposal capacity during extended rainy periods. The utility provides monthly monitoring reports to the Department of Environmental Protection which regulates the operations of the treatment plant. In the past, the plant has made improper discharges into a drainage ditch that is connected to Estero Bay. The Department of Environmental Protection found that this action violated state requirements, and Lee County was required to halt the illegal discharges. A \$20,000 fine was levied, and Lee County Utilities was forced to increase the effluent disposal capacity during peak periods.

Expansion Needs

Lee County Utilities reported no major problems specific to the ~~town~~-Town regarding facility replacement, expansion, or siting of new facilities. The treatment plant was recently upgraded with the addition of two chlorine contact tanks, which increase disinfection retention time. Private developers are installing a new sewage force main across Big Carlos Pass in order to replace a failing on-site sewer plant at the Grandview Resort and to serve two new buildings being constructed nearby on Black Island.

Lee County is installing a \$2.7 million deep-well injection system to increase disposal capacity during periods when demand for irrigation water is insufficient. Deep-well injection of sewage effluent appears to be environmentally sound but it is very expensive and is a waste of valuable irrigation water; it should be used only to avoid overflows into surface waters.

The Town of Fort Myers Beach contains many of the major users of this sewer service and it lies directly downstream of any effluent discharges into tidal waters. Both of these roles justify the town government's involvement in policy matters concerning sewer service. Although the ~~town~~-Town does not directly franchise or control this service, its long-range goal should be a significant role in its operation.

SOLID WASTE

The Lee County government uses a public-private partnership for collection and disposal of solid wastes throughout the county. All of the household garbage that is collected is taken by private contractors to the Lee County Resource Recovery Plant. There it is burned to reduce its volume and produce electricity; the ash residue is then transported to the county landfill. This ash product takes up 90% less room by volume in the landfill than

the unburned garbage would, greatly extending the life of the landfill.

Solid Waste Collection at Fort Myers Beach

Kimmins Recycling, Inc. is the primary solid waste collector for the Town of Fort Myers Beach. Its franchised service area includes the ~~town~~-Town as well as other locations within Lee County. Figure 5 delineates Kimmins Recycling, Inc.'s entire service area.

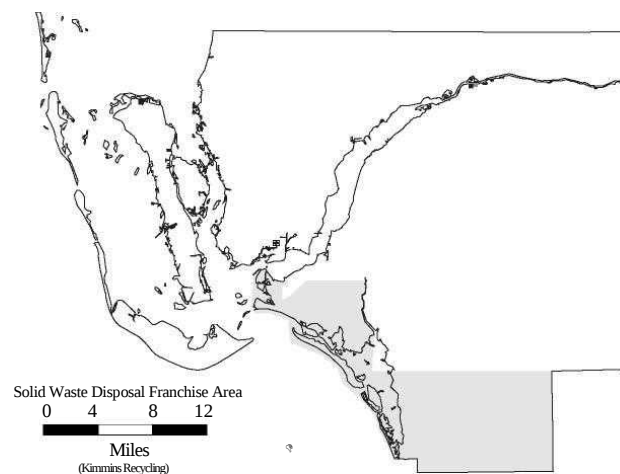


Figure 5, Solid waste disposal franchise area

Prior to the expiration of Lee County's existing contract with Kimmins, the ~~town~~-Town should research the alternative of seeking its own competitive bids from solid waste haulers rather than staying with the county's larger contract. The ~~town~~-Town may be able to obtain service better suited to its own needs, or may be able to reduce costs by eliminating superfluous county contracting requirements or using a smaller hauling company. Conversely, separate contracting might increase costs due to losses of

economies of scale. Nonetheless, the alternative of separate competitive bids should be explored prior to expiration of the existing contract.

Lee County has adopted a minimum level of service standard for solid waste disposal of 7 pounds per person per day for proper collection, disposal, and management. The Town of Fort Myers Beach can simply adopt that same standard.

Landfill Operations

The Town of Fort Myers Beach does not need to own or operate a landfill because it has full use of Lee County's modern waste disposal facilities. Lee County's landfill is the Gulf Coast Landfill located on SR 82 south of Colonial Blvd., operated by Waste Management, Inc. of Florida. The remaining lifespan of the Gulf Coast Landfill filled to its permitted height of 100 feet above sea level, is estimated to be the years 2000 to 2004, assuming renewal of its DEP operating permit.

The Lee/Hendry Landfill is a Lee County-owned landfill that is currently under construction. Phase I is scheduled for completion in 1997. The estimated ultimate capacity of the Lee/Hendry Landfill to receive solid waste is 40 years, assuming continued renewal of necessary permits and construction of additional phases at the landfill. However, no additional phases are currently planned.

Because of the high water table found throughout southwest Florida, landfills are created by depositing layers of waste and other fill material *on top of* the existing ground surface. In Lee County's case, ash from the Resource Recovery Plant is now the primary waste product which is deposited. The ash accumulates over time and is formed into a mound. Upon reaching a designated height, the landfilled waste receives a final cover of soil and vegetation. Landfill closures are governed by Rule 62701 of the *Florida Administrative Code*.

Resource Recovery Plant

The Resource Recovery Plant is also known as a waste-to-energy plant because it produces electricity from burning trash. The plant receives, on average, 900 TPD (330,000 tons per year), and produces up to 39.7 megawatts of power, which is enough electricity for about 25,000 homes (more than all of the homes in Bonita Springs and Lehigh Acres combined). The resource recovery plant is forecasted to reach its current capacity of 1,200 TPD within the next 10 years. Additional disposal capacity is available for approximately 100 TPD of construction debris at the Gulf Coast Landfill.

The resource recovery plant has a forecasted operating lifespan of 30 years, with sufficient capacity to serve all of Lee County until 2027. The projection of plant life is based on engineering design, operational techniques, forecasted population, and average per capita solid waste generation.

The resource recovery plant is equipped with extensive air pollution control systems. It is the first operational plant in the United States to be built with a permanent activated carbon injection system for controlling mercury emissions. The environmental control systems were designed with the new, more stringent *Clean Air Act* standards in mind, and emissions have met the proposed standards without any modification. It was the only waste-to-energy facility in the world to win the *Power Engineering* and *Power Engineering International* magazine's 1995 Project of the Year Award.

Recycling Program



The State of Florida mandated a thirty-percent reduction in municipal solid waste deposited at landfills beginning in 1988. Fifteen percent of this reduction was to come from glass, aluminum, steel cans, plastic, and newspaper recycling. The other fifteen percent would come from the recycling of yard trash, appliances, construction and debris material, and automobile tires. The Town of Fort Myers Beach needs to continue in the successful county-sponsored recycling program.

This voluntary program consists primarily of the residential curbside collection of recyclables utilizing 90-gallon carts and other suitable methods. The ~~town's~~ Town's franchised solid waste hauler, Kimmins Recycling, Inc., provides curbside collection of paper, aluminum, metal, plastic, and glass products. The hauler sorts the recyclables at the curb each week and then transports the recyclables to markets located in Fort Myers. Lee County's current recycling rate is 33%, which exceeds state recycling requirements. The ~~town~~ Town should strongly encourage all of its residents, visitors, and businesses to participate to the greatest extent possible in the existing voluntary recycling program.

Residential wastes are collected using a 1-1-1 system with once-per-week garbage, recycling, and yard waste collection. Commercial collection is mandatory for businesses and institutions. Commercial wastes are primarily generated by retail stores, restaurants, and resorts.

Fees

Residents of the Town of Fort Myers Beach pay for garbage collection, recycling, and disposal through an annual assessment (garbage bill) from the Lee County Tax Collector. Other residents (of condominiums and mobile home parks) and

businesses pay their hauling company directly for collection and part of the disposal expenses.

The fixed operating expenses of the county-owned solid waste disposal facilities are paid to the Lee County Tax Collector as a special assessment (separate bill). The fixed disposal facility expenses are divided equally among all Lee County areas, and each customer pays their share. Figure 6 shows the proportion of the solid waste fee used for different purposes.

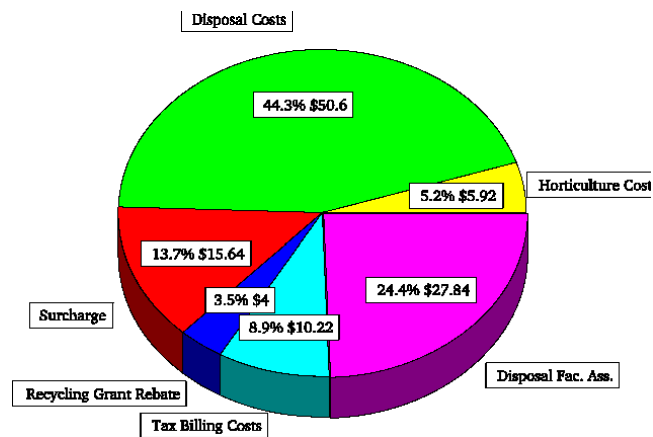


Figure 6, Annual residential solid waste rates FY 1996-97
(source, Lee County Solid Waste Rates: FY 96/97, 1996)

Residents of the ~~town~~ Town received their first solid waste assessment in 1995. Property taxes were reduced when the assessment was added. Table 8-7 shows the unincorporated Lee County solid waste rate summary for fiscal year 1996-97. This table details the fees, recycling rebates, and collection fees for unincorporated

Lee County. Table 8-8 compares household disposal costs from property taxes versus the new special assessment. The assessment costs less than a property tax-based assessment under the assumptions included in this table.

**Table 8-7 — Unincorporated Lee County
Solid Waste Rate Summary FY 96-97**

<u>Solid Waste Rate</u>	<u>FY 96-97</u>	<u>% Increment</u>
Disposal Tipping Fee	\$49.61/Ton \$50.60/HH	4%
Surcharges	\$12.90/Ton \$15.74/HH	(30%)
Recycling Grant Rebate	\$4.00/HH	NA
Residential Collection Fees	\$73.91 - 91.05/HH	3%
Billing Costs (Includes Late Payment Allowance)	\$10.22/HH	110%
<u>Average Residential Bills</u>	<u>\$189.67/HH</u>	<u>(5%)</u>

HH = household

Source: "Lee County Solid Waste Rates, Fiscal Year 96/97," 1996

Hazardous Waste

The Lee County Department of Solid Waste sponsors several "household hazardous waste collection days" throughout the year. Many of these products can be harmful or fatal if swallowed. These are items such as fluorescent tubes, paint, paint thinner, drain cleaners, automobile oil, thermostats, polishes, strippers, car/boat batteries, pool chemicals, pesticides, float switches, or anything marked corrosive, toxic, flammable, or reactive. The ~~town~~-Town may be able to sponsor an occasional pickup day right on Estero Island for these products.

Existing and Forecasted Solid Waste Needs

There are no major problems of development or physical deterioration which will adversely affect solid waste collection within the ~~town~~-Town over the next two planning timeframes. The waste-to-energy facility is new and has very modern equipment, and the new landfill for the safe disposal of the ash has capacity until 2027.

Lee County has implemented a successful recycling program and has plans to expand it. By 1991, the county's 115,000 single-family homes were involved in the recycling program. Currently, all single-family homes as well as all multi-family complexes (apartments, condominiums, and mobile home parks) have the opportunity to participate in the recycling program. However, motels are not included. In 1995, 33% of the county's total waste stream was recycled. In comparison, only 5% was recycled in 1989. The county is working toward a voluntary goal of 50% by the year 2000.

The quantity of solid waste will grow with the ~~town's~~-Town's population. Table 8-9 and Figure 7 display population and solid waste forecasts through the year 2020. It is clear that the ~~town's~~-Town's proportionate capacity of the Resource Recovery Plan and new landfill are minuscule, and that adequate service will be available for both planning timeframes.

These forecasts include solid wastes that will be recovered and recycled. In order to more accurately project the life expectancy of the waste-to-energy facility, recycled wastes must be accounted for because they will not be incinerated. In 1995, the Town of Fort Myers Beach achieved an adjusted recycling rate of 33 percent, based on Lee county's results. The adjusted recycling rate places goals on specified categories of recyclables; therefore, actual recyclable percentages may exceed those ceilings.

**Table 8-8 — Town of Fort Myers Beach
Comparison of Household Disposal Costs
Property Tax vs. MSBU Assessment**

Collection Options	Property Tax FY 95-96	MSBU Assessment FY 97-98
Disposal Facility Assessment Rate/Ton	\$27.29	\$27.29
Total Revenue Required	\$7,835,000	\$8,426,300
Payment Basis	Property Value	Disposal Tonnage
Tonnage Disposed		6,180
Fort Myers Beach Payment Share in %	5%	2%
Fort Myers Beach Total Payments in \$	\$391,750	\$168,652
Unincorporated Lee County Payment Share in %	58%	65%
Unincorporated Lee County Total Payments in \$	\$4,544,300	\$5,447,095
Average Household Tonnage	1.07	1.02
Estimated Tax Millage	0.405	
Fort Myers Beach Household Annual Facilities Payment in \$	\$192.38	\$33.84
Tipping Fee, \$/Ton (Escalated)	\$47.70	\$51.10
Disposal Payment in \$	\$51.04	\$52.12
Total Household Annual Disposal Payment in \$	\$91.54	\$85.96

Source: "Lee County Solid Waste Rates, Fiscal Year 96/97" and
"Finding Sound Solutions -- Solid Waste Rates, FY 97-98"

"MSBU" means Municipal Services Benefit Unit.

**Table 8-9 — Solid Waste Forecasts by Population:
Collection of Total Solid Waste, 1990 — 2020**

Year	Total Dwelling Units	Effective Population	Tons of Solid Waste Per Day	Tons of Solid Waste Per Year
1990	7,420	8,826	30.9	11,279
1996	7,710	9,171	32.1	11,717
2003	8,121	9,660	33.8	12,337
2020	8,738	10,393	36.4	13,286

Sources:

— Dwelling units count for 1990: compilation of STF1A data for Census Tract 601, BG 3-7 plus Census Tract 602, BG 1-6

— Dwelling unit estimates for 1996, 2003, 2020: Future Land Use Element

— Effective population estimated as follows: Peak population = [(total dwelling units x 38.2% dwelling units occupied by permanent residents) + (total dwelling units x 61.8% x .33 allowing for 4 months out of year 100% dwelling units occupied)] x 2.03 persons per household

— Solid waste forecasts: based on standard of 7 pounds per person per day

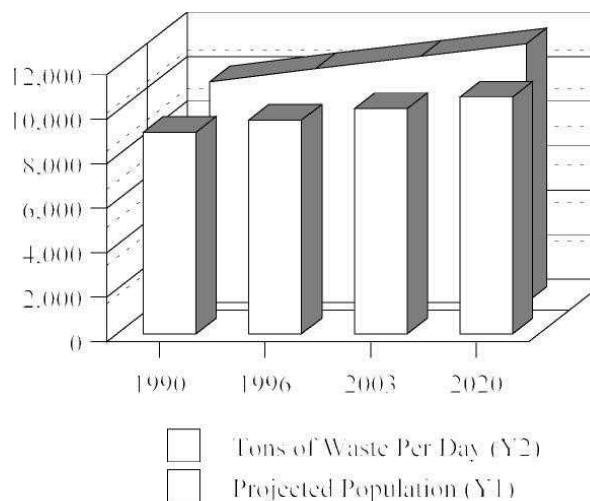


Figure 7, Tons of waste and population growth

Expansion Needs

The preceding analysis shows that Lee County's current system of incineration and landfilling is adequate for a 30- to 40-year period. There are no apparent problems with this system. Fort Myers Beach may wish to separately franchise its trash hauler if, after careful examination, there would be benefits to the town in this course of action.

UTILITIES AND CONCURRENCY

The Town of Fort Myers Beach must ensure that infrastructure and services are provided in order to support new development. This process is implemented through a concurrency management system, a requirement of Florida's growth management legislation. A concurrency management system coordinates the issuance of development orders/permits and certificates of occupancy with continuing measurements of infrastructure and services needed to support development (see the Capital Improvements Element). For potable water, sanitary sewer, and solid waste disposal services, the ~~town~~ Town depends heavily upon reports furnished by the utility providers to measure availability according to the standards contained in this plan.

The inventory and analysis of utility providers indicates that adequate services can be expected to be available to serve new development through build-out of Fort Myers Beach. Even though there appears to be no problem with the provision of these services, the ~~town~~ Town must still monitor continuing reports through its concurrency system to ensure that no unexpected problems are developing.

GOALS - OBJECTIVES - POLICIES

Based on the analysis of utility services in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 8: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.

**OBJECTIVE 8-A RELATIONS WITH UTILITIES —
Increase the town's role in influencing utility providers about service alternatives, facility locations, and conservation of resources.**

POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.

POLICY 8-A-2 When considering improvements to utility systems, utility companies should expect involvement by the ~~town~~-Town in evaluating alternatives and seeking the best interests of utility customers and other people and resources affected by those decisions.

POLICY 8-A-3 The ~~town~~-Town shall seek a significant role in policy matters concerning Lee County Utilities' sewer service, based on the ~~town's~~-Town's dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.

POLICY 8-A-4 The ~~town's~~-Town's potable water supply distribution system is supplied by Lee County Utilities under terms set forth in a bulk water agreement approved in August 2001. Lee County Utilities

has a long-term expansion plan that details existing and proposed uses of traditional and alternative water supply sources, in accordance with SFWMD's Lower West Coast Water Supply Plan Update (~~July 2006~~December 2016). Lee County Utilities' expansion plan, the Water Supply Facilities Work Plan, was last updated in ~~July 2008~~January 2016 and is incorporated herein by reference.

POLICY 8-A-5 The ~~town~~-Town shares a common interest with Lee County government in ensuring that potable water supplies will be sufficient to meet future demands. The ~~town~~-Town will coordinate with Lee County on an ongoing basis on the following matters:

1. Analyzing peak season demands and providing sufficient allocations of water.
2. Using consistent population projections and level-of-service standards.
3. Conserving water by adopting a conservation rate structure (see Policy 8-C-6).
4. Implementing a leak detection program and replacing obsolete portions of the

OBJECTIVE 8-B LEVELS OF SERVICE — Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.

POLICY 8-B-1 The minimum acceptable level of service standards for utility services within the Town of Fort Myers Beach shall be:

i. for potable water service:

- (a) available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.
- (b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new development at these same rates.

ii. for sanitary sewer service: available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).

iii. for solid waste disposal service: the ability to collect and manage 7 pounds of municipal solid waste per person per day. An ERC is defined as the total number of meter equivalents using the methodology of the Florida Public Service Commission (and is synonymous with their use of the term "equivalent residential units"). ERCs are used to convert commercial and industrial water or sanitary sewer use into standard units that are based on typical rates of use in dwelling units.

POLICY 8-B-2 The ~~town~~ Town will enforce these levels of service under the concurrency requirements of Florida law by requiring one of the following before issuance of development permits:

- i. development orders or building permits will be issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or
- ii. at the time development orders or building permits are issued, the necessary facilities and services are guaranteed to be in place and available to serve the development at the time of issuance of a certificate of occupancy through an enforceable development agreement pursuant to Section 163.3220, *Florida Statutes*, or through an agreement or development order pursuant to Chapter 380, *Florida Statutes*.

POLICY 8-B-3 The concurrency management system in the ~~town's~~ Town's Land Development Code shall be amended to requirement the assessment of water supply capacity, in addition to treatment plant capacity, when determining compliance with the potable water level of service

OBJECTIVE 8-C WATER CONSERVATION — Take all reasonable steps to conserve potable water supplies, ~~aiming for a 10% per capita reduction in water use by 2005.~~

POLICY 8-C-1 The town shall, by resolution, encourage Lee County Utilities to expand its facilities and agreements for recycling treated wastewater for reuse as irrigation water; deep-well injection of surplus wastewater should be limited to emergency use only.

POLICY 8-C-2 The town shall consult with the South Florida Water Management District to obtain suggestions on regulations to conserve water before adopting such regulations.

POLICY 8-C-3 The town will use drought-tolerant vegetation, xeriscape techniques, recycled water, or other available methods for landscaping publicly owned lands, and encourages private landowners to do the same to reduce usage of potable water for irrigation purposes.

POLICY 8-C-4 The town will continue to require, through its building codes, the use of water-saving plumbing fixtures in all new development and redevelopment.

POLICY 8-C-5 The town will support public educational programs that encourage water conservation practices.

POLICY 8-C-6 The town should consider implementing a strong conservation rate program where large water users pay a higher rate per gallon than is charged to frugal users.

OBJECTIVE 8-D SOLID WASTE — Add recycling pickup at commercial enterprises, and maintain an efficient solid waste system that stresses recycling of reusable materials plus safe and efficient disposal of that which cannot be recycled.

POLICY 8-D-1 The town will ensure the routine collection of residential and commercial wastes; special collections of bulky items; separate curbside and bulk collection of recyclable materials; and separate collection of yard wastes and construction debris.

POLICY 8-D-2 The town will continue its participation in Lee County's program of recycling, incineration, and disposal of solid wastes.

POLICY 8-D-3 The town will seek to expand the current program to collect recyclables from motels and other tourist lodgings, and to collect and recycle additional materials.

POLICY 8-D-4 The town will consider an ordinance requiring mandatory recycling of solid waste if voluntary participation does not achieve standards set by state or regional agencies.

POLICY 8-D-5 The town will evaluate methods of improving the cost-effectiveness of solid waste collection, and may consider franchising the collection process independently of Lee County.

POLICY 8-D-6 The town will cooperate with Lee County in implementing programs to decrease the volume of solid waste requiring landfilling (e.g. source separation of material which can be reused, recycled, or disposed of in another manner). The town shall also support and assist in programs to reduce roadside litter and illegal dumping, such as Keep Lee County Beautiful's annual coastal cleanups.

POLICY 8-D-7 The town will cooperate with the Lee County in educating businesses and residents on the proper management of hazardous wastes and the provision of convenient disposal opportunities for the benefit of the town's citizens and visitors. This cooperation shall include distributing written material prepared by Lee County and publicizing their regular schedule of household hazardous waste collection days.

**Town of Fort Myers Beach
Agenda Item Summary**

Blue Sheet Number: **2020-102**

1. Requested Motion:

Meeting Date: December 1, 2020

Recommend approval of the proposed amendments removing and adding text to LDC Sec 6-366, Sec 14-11, 34-2441, Sec 34-2, Sec 34-3041 thru Sec 34-3048.

Why the action is necessary:

The Town Council has instructed staff to prepare edits to the Code of Ordinances Chapter 22 Special Events. In order to create consistency, several edits to the Land Development Code are required.

What the action accomplishes:

Removes Special Event regulations from the Land Development Code and consolidates them into the pre-existing Chapter 22 Special Events of the Code of Ordinances.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

Ordinance

5. Background:

The Town Council has reviewed proposed language related to Special Events. Suggested edits to the Land Development Code are presented to the Local Planning Agency (LPA) and are focused on removing conflicting language from the LDC in order to develop a more consistent Code of Ordinances Ch 22 Special Events. The Local Planning Agency's role is to recommend changes to the LDC and the Town Council will review the recommendations to the LDC from the LPA at the same time that they consider an Ordinance to amend Chapter 22 Special Events.

Attachments:

1. LDC and Code of Ord Special Event and Temp Use

Financial Impact:

N/A

6. Alternative Action

Recommend alternative language or recommend denial

7. Staff Recommendations:

Recommend approval of the proposed edits to the Land Development Code Chapter 6 and Chapter 34.

8. Recommended Approval:

Jason Green, Community Development
Services

Date: November 24, 2020

John R Herin Jr, Town Attorney

Date: November 24, 2020

Amy Baker, Deputy Town Clerk

Date: November 24, 2020

Land Development Code Amendments

Sec. 6-366. - Location of construction near beaches.

- (a) Except for beach renourishment and for minor structures such as lifeguard support stands and beach access ramps, all construction must be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. In addition to complying with all other provisions of this code, major structures must be built landward of the 1978 coastal construction control line except where a major structure may be specifically allowed by this code to extend across this line. The 1978 coastal construction control line is depicted on the Future Land Use Map as the seaward edge of land-use categories allowing urban development and as the landward edge of the recreation land-use category. This line is also the landward edge of the EC (Environmentally Critical) zoning district.
- (b) Occasional minor structures are permitted by right in the EC zoning district if they are placed on private property and do not alter the natural landscape or obstruct pedestrian traffic (examples are mono-post shade structures, movable picnic tables, beach volleyball courts, and similar recreational equipment, see § 34-652 of this LDC). Artificial lighting and signs may not be installed in the EC zoning district unless approved by special exception or as a deviation in the planned development rezoning process or unless explicitly permitted by §§ 14-5 or 27-51 of this LDC.
 - (1) Other provisions of this code provide for certain other minor structures in the EC zoning district:
 - a. Perpendicular dune walkovers are permitted by right in accordance with § 10-415(b) and subsection (d), below.
 - b. Some temporary structures such as tents may be permitted through a ~~temporary use permit~~ for special events permit held on the beach, in accordance with ~~§ 14-11 of this LDC~~ Ch. 22.
- c. Licensed beach vendors may place rental equipment and/or a temporary movable structure in accordance with § 14-5, ch. 27, and § 34-3151 of this code.

Explanation- We are consolidating all info regarding special events into one place.

~~Sec. 14-11. - Special events on the beach.~~

- ~~(a) Special events on the beach are any social, commercial, or fraternal gathering for the purpose of being entertained, instructed, viewing a competition, or any other reason that would bring them together in one location that normally would not include such a concentration of people on or near the beach.~~
- ~~(b) Special events on the beach are temporary, short-term activities, which may include the construction of temporary structures; temporary excavation, operation, transportation, or storage of equipment or materials; and/or nighttime lighting that is visible seaward of the coastal construction control line (CCCL). Generally, activities within this category include, but are not limited to: sporting events (e.g., volleyball, personal watercraft races, offshore powerboat races), festivals, competitions, organized parties (e.g., weddings), promotional activities, concerts, film events, balloon releases, and gatherings under tents.~~
- ~~(c) Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone~~

~~cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.~~

- ~~(d) Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.~~
- ~~(1) Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with § 14-75.~~
 - ~~(2) Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.~~
 - ~~(3) Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.~~
 - ~~(4) Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:
 - ~~a. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.~~
 - ~~b. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.~~
 - ~~c. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.~~~~
 - ~~(5) A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.~~
 - ~~(6) The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.~~

~~(Ord. No. 15-12, § 1, 1-19-2016)~~

Explanation – The above section will be added to Ch 22

~~Sec. 34-2441. Special events defined.~~

~~A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society. Sec. 34-2442. Permits for special events.~~

- ~~(a) The Town of Fort Myers has established a permitting process for special events through Ordinances Nos. 98-01 and 00-16 and any future amendments.~~
- ~~(b) No person, corporation, partnership, or other entity shall advertise or sell or furnish tickets for a special event within the boundaries of the town, and no such event shall be conducted or maintained, unless and until that person or entity has obtained a permit from the town to conduct such event.~~
- ~~(c) Special events on the beach shall also comply with § 14-11 of this code.~~

Explanation – deleting and consolidating

Definition Sec. 34-2: *Use, temporary* means a use or activity which is permitted only for a limited time, which will not inhibit the usual flow of pedestrian or vehicular travel on public rights-of-way, subject to specific regulations and permitting procedures. See article IV, division 37 of this chapter. In Sec 30-3041(b)

Sec. 34-3041. - Generally.

- (a) *Purpose.* The purpose of this subdivision is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a temporary use permit.
- (b) *Permit required.* No temporary use shall be established until a temporary use permit has been obtained from the director in accordance with the requirements of § 34-3050 of this chapter. Some temporary uses may qualify as special events that are regulated by Ordinance No. 98-01 as amended, or may qualify as special events on or near the beach, which are further regulated by § 14-11 of this code. Ch. 22: A temporary use permit must be obtained for the following uses in compliance with these requirements:
 - (1) Christmas tree sales lots for up to 45 days prior to the holiday;
 - (2) Holiday, seasonal or annual sales lots for up to 30 days;
 - (3) Temporary promotional activities involving the sale and promotion of goods and services available at a business on the premises, subject to the following:
 - a. Activities that obstruct private parking or are held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.
 - b. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.
 - c. Outdoor display of merchandise, not associated with a temporary promotional activity shall be in compliance with LDC Sec 34-678 Outdoor display and sales of merchandise and food.
 - (4) Garage sales or yard sales, with a maximum of two permits per parcel per year for a maximum of three consecutive days. Garage sale permits will be free of charge.
 - (5) Other similar uses of a temporary nature.

(6) Construction projects which require storage, parking areas, construction trailers, site screening and/or any other temporary activities during construction of the project and which terminate upon completion of the project.

(7) Temporary wireless communications facilities, as are necessary to meet demand, up to six (6) months.

(8) One-day permits for consumption on-premises associated with a temporary event.

(c) *Lighting.* No permanent or temporary lighting shall be installed without an electrical permit and inspection.

(d) *Time limit.*

(1) All uses shall be confined to the dates specified by the director, on the temporary use permit; provided, however, that:

a. ~~Except as provided for seasonal parking lots in §§ 34-2022 of this chapter and for other uses where specifically provided in §§ 34-3043 through 34-3048 of this chapter, the director may not authorize a temporary use for more than 30 days; and~~

b. If no time period is specified on the temporary use permit, then the temporary use permit will expire and the use must be abated within 30 days from the date of issuance.

(2) A temporary use permit may not be renewed or reissued to the same applicant or on the same premises for a similar use more than three (3) times per year. ~~for a period of six months from the date of expiration of the previous temporary use permit.~~

(e) *Hours of operation.* Hours of operation shall be confined to those specified in the permit.

(f) *Cleanup.* The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 or a signed contract with a disposal firm may be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event.

~~(g) *Traffic control.* Traffic control as may be required by the county sheriff's department and the county department of transportation shall be arranged and paid for by the applicant.~~

(g) *Signs.* A sign permit may be required for any proposed signs.

~~(h) *Damage to public right-of-way.* A cash bond of a minimum of \$25.00 and not to exceed \$5,000.00 may be required to ensure the repair of any damage resulting to any public right-of-way as a result of the event.~~

(g) Any proposed use which exceeds the criteria or regulations of this code subdivision may apply for a Special Event permit.

~~Sec. 34-3042. Carnivals, fairs, circuses and amusement devices.~~

~~(a) *Location of amusement devices and other structures.* Refer to §§ 34-2142(a) and (b) above, for setback requirements.~~

~~(b) *Off-street parking.* Refer to § 34-2020(d)(3)g. of this chapter for off-street parking requirements.~~

~~(c) *Hours of operation.* The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

~~(d) *Special event permit.* In addition to a temporary use permit, a carnival, fair, circus, or amusement device, or other event may be subject to the provisions of the town's Special Events Ordinance No. 98-01, as amended (see also division 34 of this article). Ch. 22.~~

~~Sec. 34-3043.— Christmas tree sales.~~

~~(a)— Christmas tree sales may be permitted in any commercial district, provided that:~~

- ~~(1)— No parking lot required for another use shall be used for display of trees; and~~
- ~~(2)— Temporary off-street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.~~

~~(b)— The maximum length of time for display and open-lot sales shall be 45 days.~~

~~Sec. 34-3044.— Temporary contractor's office and equipment storage shed.~~

~~A contractor's office or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active building permit or development order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within 30 days of the date of final inspection for the project.~~

~~Sec. 34-3045.— Alcoholic beverages.~~

~~Temporary one-day permits for the service of alcoholic beverages may be permitted in accordance with § 34-1264(d) of this chapter.~~

~~Sec. 34-3046.— Temporary use of mobile home.~~

~~(a)— *Rehabilitation or construction of residence following disaster.*~~

- ~~(1)— When fire or disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.~~
- ~~(2)— The maximum duration of the use shall be 18 months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(b)— *Rehabilitation or construction of damaged business or commercial uses following disaster.*~~

- ~~(1)— Business or commercial uses damaged by a major or catastrophic disaster that are necessary for the public health and safety or that will aid in restoring the community's economic base may be permitted to use a mobile home or similar type structure to carry out their activities until the damaged structure(s) is rebuilt or replaced according to applicable development or redevelopment regulations.~~
- ~~(2)— The maximum duration of the temporary use is nine months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is six months. The director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for an extension shall be made prior to expiration of the original permit.~~

~~(c)— *Conditions for use.*~~

- ~~(1)— Required water and sanitary facilities must be provided.~~
- ~~(2)— The mobile home or recreational vehicle shall be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, or commercial use, or upon expiration of the temporary use permit, whichever occurs first.~~

~~Sec. 34-3047.— Temporary telephone distribution equipment.~~

~~Telephone distribution equipment may be granted a temporary use permit during planning and construction of permanent facilities, provided that:~~

- ~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~
- ~~(2) The maximum length of the use shall be six months, but the director may extend the permit once for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

~~Sec. 34-3048.—Ancillary temporary uses in parking lots.~~

- ~~(a) The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit (see § 34-3050 of this chapter):~~
- ~~(1) Seasonal promotions.~~
 - ~~(2) Sidewalk or parking lot sales.~~
 - ~~(3) Fairs and carnivals (see § 34-3042 of this chapter).~~
 - ~~(4) Tent sales.~~
 - ~~(5) Flea markets by nonprofit organizations.~~
 - ~~(6) Welcome stations in accordance with § 34-3051 of this chapter.~~
- ~~(b) In approving a temporary use permit, the director shall require that the area of the lot to be used is clearly defined and that the use will not obstruct pedestrian and vehicular movements to portions of the lot not so used.~~

~~Subdivision III.—Special Events~~

~~Sec. 34-3055.—Special events.~~

- ~~(a) A special event is any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location.~~
- ~~(b) See division 34 of this chapter for a summary of permitting rules for special events.~~

Explanation – deleting and consolidating

Non-LDC Code of Ordinances

Chapter 22 - SPECIAL EVENTS^[1]

Sec. 22-1. - Definitions.

Political demonstration. A public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment to the Constitution of the United States.

Special event. ~~Any activity conducted on public or private property that will or has the potential to substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public forums, including any temporary activity conducted on private property that is not authorized by the certificate of use or certificate of occupancy issued for any business operating on the property where the activity is planned, or any temporary activity conducted on private property where the area of the activity coincides with parking spaces required for the operation of any business.~~

An activity within the boundaries of the town of Fort Myers Beach which would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said

area by the general public or which deviates from the established use of said area of building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the city; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) ~~Any garage sale conducted in compliance with the requirements of this chapter.~~

Sec. 22-2. - Permit required.

No person or entity ~~can initiate, sponsor, organize, promote,~~ **may** conduct or advertise a special event unless a permit has been obtained from the town.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-3. - Exemptions from permit requirement.

The following do not require a special event permit:

- (1) Private events that will make no use of a public property other than for lawful parking.
- (2) Events conducted solely for the purpose of exercising a group's first amendment right of free speech and/or assembly. If an event has any commercial aspect, ~~or~~ is a political demonstration as defined in section 22-1, or requires the closure of roadways, sidewalks or the use of Town or County staff then this exemption will not apply.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-4. - Fees.

All fees that relate to special events and special events permits will be as stated in the current Town of Fort Myers Beach Fee Schedule.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-5. - Permit fee exemption for special events conducted by the town.

The town is exempt from all permit fees relating to special events conducted by the town.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-6. – Types of events requiring a special event permit.

The following types of events will require a special event permit. Events, other than these specifically listed, may also require a special event permit.

- (1) Carnivals, Fairs, Festivals and Circuses;
- (2) Farmer's Markets and Flea Markets;
- (3) Art Shows;
- (4) Running, Walking or Bicycling Events;

- (5) Concerts;
- (6) Fireworks;
- (7) Parades;
- (8) Similar events requiring off-site parking, street or sidewalk closures, sound amplification or use of public property or Town staff.

Sec. 22-~~6.7.~~ - General criteria and limitations.

The following general criteria and limitations apply to special event permits:

- (1) The activity proposed must be compatible with the surrounding land uses.
- (2) An individual applicant may not receive a special event permit more than six times within a calendar year, provided, however, that the town council may grant businesses or entities approval for a recurring event permit that is not subject to this limitation (see section 22-7) and provided further that the town council has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion.
- ~~(3) For any special event that will include a temporary use regulated by LDC chapter 34 (see LDC sections 34-3041 through 34-3051) a temporary use permit may also be required.~~
- (43) For any special event that will take place all or in part upon the beach will be subject to all requirements contained in ~~LDC section 14-11~~ this chapter and any requirements of state or federal agencies relating to activities that take place on the beach.
- (54) For any special event where alcoholic beverages will be sold, the applicant ~~must~~ **may need to** obtain a temporary one-day permit as ~~prescribed~~ described in LDC section 34-1264, as applicable. Applicants must obtain any required permits from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.
- (65) The following types of special events must be approved by the town council:
 - a. Special events with a duration of four days or more where alcohol will be served;
 - b. Special events with an anticipated attendance of more than 500 people;
 - c. Recurring special events (see section 22-7);
 - d. Any special event that includes a waiver of the town's open container regulations (see Code chapter 4, article IV);
 - e. Special events held annually, once initially approved by town council, may be administratively approved by the town manager (i.e., without formal action by town council) for subsequent years, so long as they do not include a noise ordinance waiver request (see subsection (6)g). of this section, or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of ten percent or more, an increase of the area of the special event of ten percent or more; changes or additions to the parking plan for the special event; or other changes as determined in the sole discretion of the town manager;
 - f. Special events for which a waiver of ~~parking or other~~ **town** fees is requested. If the waiver was previously approved by the town council in conjunction with approval of a recurring special event or annual event and special event is subject to administrative approval, then the related waiver may also be administratively approved; and
 - g. Special events for which a waiver of the Fort Myers Beach Noise Ordinance is requested.
 - h. Special events which require the closure of streets or sidewalks.

- ~~(76)~~ Special events that occur on or near the beach or dune

- a. Due to the potential for adverse impacts, certain special event activities may not be compatible with sea turtle nesting areas. In some cases this is due to the type of activity where permit conditions alone cannot provide adequate protection. In other cases the density of sea turtle nesting prevents certain activities from being conducted safely.
- b. Special events that occur on or near the beach or dune, or where lighting from the special events directly or indirectly illuminates sea turtle habitat, may contain special conditions for protection of the beach, dune and sea turtles. These conditions are in addition to the basic requirements of the town's special events permit provisions, which must still be met in full.
 1. Along with the regular application for an event permit, a site plan must be submitted depicting the property corners and the dimensions of the area where the event is proposed to occur, the location of existing vegetation, structures, and any existing sea turtle nests, and a summary of the activities proposed. A lighting plan that includes the location, number, type, wattage, orientation, and shielding for all proposed artificial light sources that will be used must also be submitted. All lighting must be in compliance with §-section 14-75 of the Fort Myers Beach Code of Ordinances.
 2. Prior to the granting or denying of the application, an on-site inspection will be conducted to determine if the proposed event conforms to the requirements of this section and if any native vegetation or sea turtle nests exist to be protected.
 3. Based upon the information contained in the application and the site inspection, the application shall be approved or denied. approve or deny the application.
 4. Site-specific conditions may be attached to the permit relating to identifying, designating, and protecting any existing vegetation and sea turtle nests in accordance with this code. These conditions are in addition to the following standard permit conditions for all special events on the beach:
 - i. During the sea turtle season (May 1 through October 31), special event activities including construction shall be confined to daylight hours and shall not begin before 8:00 a.m. or before completion of daily monitoring for turtle nesting activity by a FWC-authorized marine turtle permit holder, whichever occurs first. However, no activity shall take place until after a daily sea turtle nest survey is conducted as indicated below.
 - ii. During sea turtle nesting season (May 1 through October 31), the permittee is responsible for ensuring that a daily sea turtle nest survey, protection, and monitoring program is conducted throughout the permitted special events area. Such surveys and associated conservation measures shall be completed after sunrise and prior to the commencement of any activity. The sea turtle survey, protection, and monitoring program shall be conducted only by individuals possessing appropriate expertise in the protocol being followed and a valid F.A.C. Rule 68-E permit issued by the FWC. To identify those individuals available to conduct marine turtle nesting surveys within the permitted area, please contact the FWC, Bureau of Imperiled Species Management, at (850) 922-4330.
 - iii. All turtle nests will be marked with wooden stakes, flagging tape, and a FWC sea turtle nest sign. No activities (including the placement of equipment or the storage of materials) are allowed within 30 feet of the marked nest. The permittee shall ensure that all personnel are briefed on the types of marking utilized and be able to easily contact the individual responsible for the nest survey to verify any questionable areas.
 5. A violation of the special or standard conditions will automatically invalidate the permit. Periodic compliance inspections will be conducted to insure compliance with the permit conditions and this article.
 6. The release of balloons is prohibited in accordance with F.S. § 372.995, except as permitted by that statute.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~7~~.8. - Recurring special events.

To qualify as a recurring event, the event must be the same type of event and must be held in the same location. Examples of a recurring event include, but are not limited to, farmers' markets, "sunset celebrations," and music or art themed events. Recurring special events are subject to the following requirements:

- (1) Each event must be held at the same location at the same time of day.
- (2) All dates for the recurring event must be listed on the original application.
- (3) Each individual event must be of the same genre with similar anticipated attendance.
- (4) A recurring special event may not occur more often than weekly over a period of one year based upon a single application.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~8~~.9. - Application requirements.

- (a) Any person or entity seeking issuance of a special event permit must file a written application with the town manager on forms provided by the town.
- (b) If any town council actions are required in connection with a planned special event, the application for the permit must be filed at least 60 days prior to the date of the planned event.
- (c) Applications for special event permits that do not require town council action must be filed at least 15 days prior to date of the planned event.
- (d) Incomplete applications will not be processed for approval.
- (e) Applications received less than the specified days before the date of the planned event, may be accepted at the discretion of the town manager. If the late application is accepted, the town manager has the discretion to impose additional permit fees, as per the Town of Fort Myers Beach Fee Schedule, to facilitate timely review and approval.
- (f) A complete permit application must include, but may not be limited to, the following:
 - (1) The name of the special event and its purpose in general terms.
 - (2) The name(s) of the person(s) or organization(s) sponsoring the special event, together with the addresses and telephone numbers of all such persons or organizations.
 - (3) The proposed date or dates of the special event.
 - (4) The expected number of persons who will attend the event.

a. Events with an anticipated attendance exceeding 500 people requires approval by the Town Council.

- (5) The specific location(s) within the town where the special event is to be held. The applicant must submit a general site plan that identifies the area(s) of the property used for the event activities, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with the special event activity. A parking plan must be included as part of the special event permit application. The location of any parking and accessory structures may not obstruct traffic or violate any applicable town, county or state laws.
- (6) In instances where a proposed special event will be held within 500 feet of residential property and will include any amplified sound, the applicant shall provide notice to such owners and advise

them of the nature of the event and the dates and times when the event will be held. The 500 feet shall be measured from the perimeter of the site where the event will take place and for condominium properties, a single written notification to the condominium association will be sufficient. The notification shall advise the owner of their right to submit a letter of objection to the town manager, and shall include the date by which any such letter of objection must be submitted.

- (7) Whether any street closings are requested and, if so, which streets and the times when they will be closed.

a. A request to close any streets requires approval by the Town Council.

- (8) Whether any alcoholic beverages will be sold or served. If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in section 22-6.

a. A request to waive the Town's open container regulations requires approval by the Town Council.

b. Any event which is four days or longer and where alcohol will be served, requires approval by the Town Council.

- (9) If any entertainment will be included, details as to the type of entertainment, times and location must be provided.

- (10) Whether utility services such as electrical power or water will be required.

- (11) ~~Whether the applicant is requesting have a banner hung in association with the event, see section 22-15. A proof of the proposed banner is required. All proposed signage shall be in compliance with Chapter 30 Signs of the Land Development Code. The applicant shall provide application for signs or shall propose signs exempt from the ordinance per LDC Sec 30-6.~~

- (12) Proof indicating approval of the event from all applicable outside state and local agencies.

- (13) In instances when the sound emanating from a proposed special event is anticipated to exceed the limits established in Code section 14-23 of the Fort Myers Beach Code of Ordinances, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with section 14-25 of the Fort Myers Beach Code of Ordinances. As part of the waiver application process, the applicant is required to provide notice to all property owners within 500 feet of the location of the proposed special event, advising them of the nature of the event and the dates and times when the event will be held. The 500 feet is measured from the perimeter of the site where the special event will take place; and for condominium properties, a single written notification to the condominium association is sufficient.

a. A request to waive the noise ordinance requires approval by the Town Council.

- ~~(14) Proof of application for approval of any temporary use permits required in conjunction with the special event, see sections 34-3041—34-3051 of the Fort Myers Beach Land Development Code.~~

- (15) An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event **and that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.**

- ~~(16) An affidavit, signed by the applicant, that permission has been obtained from the owner of any land upon which the special event is to be held, unless the event is to be held exclusively on public property.~~

- (17) ~~6~~ The town manager has the authority to require any **reasonable** additional information from the applicant that the town manager deems necessary.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~9~~.10. - Review of application.

Upon receipt of an application that contains all of the items listed in section 22-8 and required application fees, the town manager will forward copies of the application to all affected town departments for their review.

- (1) If the special event permit can be approved by the town manager administratively, the town manager will grant or deny an application for a special event permit within ten days of receipt of a complete application.
- (2) Special event permits requiring town council action will be scheduled for consideration at the next regularly scheduled town council meeting.
- (3) The town manager and town council have the right to place conditions on a special event permit to mitigate any anticipated adverse effects on nearby properties.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~10~~.11. - Grounds for denial.

- (a) The town manager or town council may deny an application for a special event permit if the applicant, or the person on whose behalf the application for a permit was made, has on a prior occasion made a material misrepresentation regarding the nature or scope of an event or activity previously permitted by a special event permit, or, who has previously violated the terms of a prior special event permit, issued to or on behalf of the applicant. An application for a special event permit may also be denied for any of the following reasons:
 - (1) The application for a special event permit (including any required attachments and submissions) is not fully completed and properly executed;
 - (2) The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification agreement, insurance certificate, or security deposit, if any, within the times prescribed by the town manager;
 - (3) The application contains a material falsehood or misrepresentation;
 - (4) The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the town;
 - (5) A fully executed prior application for a special event permit for the same time and place has been received, and a special event permit has or will be granted to the prior applicant, authorizing uses or activities which do not reasonably permit multiple occupancy of the area where the event is proposed to be held;
 - (6) The use or activity intended by the applicant will conflict with previously planned programs organized or conducted by a governmental agency and previously scheduled for the same time and place;
 - (7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;
 - (8) The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the town concerning the sale or offering for sale of any goods or services; or
 - (9) The use or activity intended by the applicant is prohibited by state or federal law or by ordinances or regulations of the county or the town.

- (b) If the special event application is denied, the applicant is not be entitled to receive any reimbursement from the town for any costs incurred during the application process, including the application fee.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~11~~.12. - Notification of denial and right of appeal.

- (a) Any applicant who is denied a special event permit by the town manager will be notified in writing. Said notification will state the reasons for the denial and the right of appeal to the town council, and will be sent by registered mail to the applicant.
- (b) The applicant will have ten days from receipt of the written notification of permit denial to request an appeal hearing before the town council. If the appeal cannot be heard by the town council prior to the date when the event is scheduled to be held, the filing of an appeal will not entitle the applicant to conduct the event on that date but, if the appeal is successful, the applicant may hold the event on a rescheduled date that is after the town council meeting at which the appeal was heard.
- (c) An appeal of the decision of the town council may be made to the circuit court by filing a petition for writ of certiorari as provided for under the Florida Rules of Appellate Procedure. A decision of the town council will be deemed to have been rendered on the date the town council votes to either grant or deny the appeal.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~12~~.13. - Litter.

- (a) Special event permit holders are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. Events that span more than a 24-hour period are responsible for removing all garbage and litter at the end of each day.
- (b) In the event this section is not complied with, the town manager has the authority to contract with a cleaning service and the cost of the cleanup will be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (see section 22-14).

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~13~~.14. - Security for unpaid expenses.

The town manager may require the posting of a security deposit, or other form of security acceptable to the town, to ensure that any unpaid expenses or damages incurred as a result of the event are satisfied.

(Ord. No. 16-03, § 1, 8-22-2016)

Sec. 22-~~14~~.15. - Indemnification and liability insurance.

- (a) Prior to the issuance of the special event permit, the applicant is required to execute an indemnification and hold harmless agreement in a form acceptable to the town attorney.
- (b) Prior to the issuance of the special event permit, the applicant is required to obtain, at its sole expense, public liability insurance, with minimum limits as required by the town, that includes coverage for any town property utilized and naming the town as an additional insured.

(Ord. No. 16-03, § 1, 8-22-2016)

~~Sec. 22-15.—Signage.~~

- ~~(a) All signage relating to special events must comply with LDC chapter 30.~~
- ~~(b) *Banners across Town of Fort Myers Beach rights-of-way.* Special event permit applicants may request to hang a banner advertising the special event across the Town of Fort Myers Beach right-of-way at the base of the Sky Bridge. All banners must be approved by town manager. Banners may not contain any commercial information for the purpose of advertising anything other than the special event. Banners will not be approved until approval has been obtained for the associated special event. Banners are hung on a on a first-come first-served basis. Banners may hang for a period of two weeks prior to the event; provided, however, that the town manager may permit a banner to be hung for a period of up to four weeks if availability allows. All banners must have grommets that are no less than two feet apart on the top and bottom. Banners can be no larger than 16 feet in width and three feet high.~~
- ~~(c) For any special event where a requested road closure has the potential to affect a sizeable segment of the community, notice of such closure must be provided to the public at least five days prior to event if variable message signs are utilized or 14 days prior to an event if static signs are utilized. Type and placement of signs will be determined by public works director. The applicant is responsible for any fees associated with the static signs or variable message boards.~~

~~(Ord. No. 16-03, § 1, 8-22-2016)~~

Sec. 22-16. - Revocation.

The town manager has the authority to revoke a special event permit issued pursuant to this chapter upon violation of any of the requirements contained in the permit or in this Code.

(Ord. No. 16-03, § 1, 8-22-2016)

Explanation – Sec. 22 now becomes the place to go for most info regarding special events. It contains a new definition and other additions which we agree are beneficial. Necessary portions of Sec. 14-11 Special events on the beach, (which was deleted in its entirety) are added to Sec. 22-6 as item 7