



**Fort Myers Beach Joint Session  
Town Council and Local Planning Agency  
Diamondhead Beach Resort  
2000 Estero Blvd.  
Fort Myers Beach, FL 33931**

**Amended Agenda**

**Tuesday, October 10, 2023**

**11:00 AM**

**ORDER OF BUSINESS**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC COMMENT**
- IV. WHAT WE THINK IS ALREADY DECIDED**
  - A. Keeping Floor Area Ratio (FAR) and Density at the current levels;
  - B. Allowing parking on ground level to not count towards FAR if built to 3 feet above Base Flood Elevation (BFE);
  - C. Maintain the creation of beach views and view corridors as a priority within the plan.
- V. ITEMS FOR DISCUSSION**
  - A. Changing transient (hotel) units from density to FAR;
  - B. Location and size of the Activity Centers/What to Protect
    - a. Changes to boundaries or removal of any activity center(s)**
    - or**
    - b. Update and streamline existing districts (i.e. Boulevard)**
  - C. Promote open space and view corridors in exchange for height or alternative design opportunities
  - D. Create clear step system within each category that directs how intensities and densities are approved - by right, conditional use, planned development.
  - E. Marinas - separate or a subsection of a mixed-use district
  - F. Development Agreements with Deviations

**VI. RELEVANT DOCUMENTS**

- A. FLU Element Text Changes
- B. Housing Element Text Changes
- C. FLU Map

**VII. ADJOURNMENT**

**NOTE: THIS MEETING IS TELEVISED STREAMED LIVE ON YOUTUBE AND FACEBOOK.**

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

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.



1. **Requested Motion:**

**Meeting Date: October 10, 2023**

Promote open space and view corridors in exchange for height or alternative design opportunities

**Why the action is necessary:**

**What the action accomplishes:**

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

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5. **Background:**

**Attachments:**

**Financial Impact:**

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

— Date: October 05, 2023

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1. **Requested Motion:**

**Meeting Date: October 10, 2023**

Discuss the use of development agreements with deviations as an alternative to conventional processes and as an alternative to other processes that have been discussed, such as “pink zones” to enable efficient and effective land development approvals.

**Why the action is necessary:**

The Town Council has shown an interest in looking at alternative methods of approval of developments to streamline land development processes, particularly in light of the rebuilding/redevelopment needed after Hurricane Ian.

**What the action accomplishes:**

This action would amend an already existing town code article to allow for development agreements that would facilitate land development approvals in a holistic manner so that an entire development can be planned and approved in a streamlined process while preserving the rights of the town and its residents to have input in the process.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Ordinance

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5. **Background:**

The town already has an ordinance that provides for development agreements with deviations, and the suggested revisions to the existing code provisions would implement the processes contemplated by that ordinance.

**Attachments:**

1. ARTICLE\_III.\_\_\_\_DEVELOPMENT\_AGREEMENTS - clean
2. Redline-changes to Development Agreement Ordinance

**Financial Impact:**

None

6. **Alternative Action**

Do not approve change in Town Code

7. **Staff Recommendations:**

8. **Recommended Approval:**

— Date: October 07, 2023

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### ARTICLE III. - DEVELOPMENT AGREEMENTS

#### Sec. 2-91. - Statutory authority.

The Town of Fort Myers Beach has the authority to adopt this article pursuant to article VIII, § 1(f), of the Constitution of the state and F.S. §§ 163.3220(5), 163.3223, and 166.021.

#### Sec. 2-92. - Applicability of article.

This article shall apply to the entire incorporated area of the town.

#### Sec. 2-93. - Intent and Purpose of article.

This article is intended to enable the Town of Fort Myers Beach to invoke the provisions of the Florida Local Government Development Agreement Act while retaining all of its home rule authority pursuant to article VIII of the Constitution of the state and F.S. chs. 163, 166 and 380, to enter into other similar agreements beyond the provisions of the Florida Local Government Development Agreement Act, and to establish specific notice and hearing procedures when it makes agreements pursuant to its home rule authority. The Town Council finds that use of its home rule authority will facilitate approvals of developments in the best interest of the Town by the ability to consolidate all related processes, which may allow for deviations from the strict development rules under the code. This article shall be an alternative method of review for requests for quasi-judicial rezonings, variances, special exceptions, and/or any other deviations from the strict regulations under this code without having to go through numerous different processes to accomplish a desired development. It is specifically provided that the criteria that would otherwise be required for individual rezonings, variances, special exceptions, and/or other deviations from the strict regulations under this code shall not be required under the process used under this article except as provided herein. Under no circumstances shall a property owner have a legal right or other entitlement to the issuance of a development agreement. Each development agreement shall be considered at the Town Council's discretion, but shall not be arbitrary or unreasonable. The minimum criteria that shall be considered for purposes of analyzing a request for a development agreement shall include review and compliance with all of the following:

- i) the development is consistent with the comprehensive plan;
  - ii) the development fosters the orderly rebuilding of the town after Hurricane Ian or other future storms resulting in a resilient development that will withstand future storms;
  - iii) the development is compatible with development or planned development within 375 feet, unless waived by the Town Council;
  - iv) the development will allow public water views, if applicable;
  - v) the development will not create unmet transportation or mobility demands; and
  - vi) on balance, the development is in the best interests of the public.
- (a) Vendees under an enforceable contract for the sale of real property shall be recognized as having a sufficient equitable interest so as to have legal capacity to become a party to a development agreement made pursuant to the Florida Local Development Agreement Act with the consent of the property owner, but persons having only a mere option to purchase real property shall not be so recognized.
- (b) It is also the purpose of this article to establish notice and hearing procedures similar to those set forth in the Florida Local Development Agreement Act when the town makes agreements pursuant to its home rule authority in those type of agreements which are defined in this article as home rule development agreements. Some development agreements made pursuant to this article, whether they are home rule development agreements as defined in this article or agreements made pursuant to the Florida Local Government Development Agreement Act, are intended to protect and further the public health, safety and welfare by providing certain guarantees to land developers in exchange for their agreement to provide specified public facilities or services which are related to and consistent with the

town's capital improvement planning and financing. All development agreements shall be recorded and "run with the land." Each development agreement shall have an expiration date.

Sec. 2-95. - Definitions.

- (a) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Development agreement* means either a home rule development agreement or a statutory development agreement.

*Home rule development agreement* means an agreement made by the town pursuant to its home rule powers, and not pursuant to the Florida Local Government Development Agreement Act, but only in those cases where development, as defined in F.S. § 163.3221(3), is to be undertaken by a person who is not a local government, as defined in F.S. § 163.3221(9), or an agency of the state or the United States of America. Moreover, home rule development agreements specifically do not mean agreements made between the town and other parties where the purpose of the agreement is exclusively to provide or pay for the construction, improvement, maintenance, or other alteration of land or personalty by third parties where the property in question is owned or is to be owned by the town or some other governmental agency.

*Statutory development agreement* means any agreement made specifically pursuant to the Florida Local Government Development Agreement Act.

- (b) All other terms which are used in any statutory development agreement made by the town pursuant to the Florida Local Government Development Agreement Act, as such act may be amended from time to time, shall be defined as set forth in F.S. § 163.3221, unless otherwise specifically defined in a particular statutory development agreement. Terms not so defined shall be given their ordinary and customary meanings.

Sec. 2-96. – Applications, procedures for, and effects of Home rule development agreements.

The town shall establish by resolution a schedule of fees and charges which shall be imposed for the filing and processing of each application for a development agreement. Development agreements shall be considered by the town council upon written application in written form, for consideration by the town council pursuant to the public hearing requirements of F.S. § 163.3225 and § 2-98 of this LDC. Each such proposed development agreement so submitted shall include an analysis by the town planner to ensure that all deviations requested in the development agreement are properly noted in the development agreement. If approved by ordinance adoption, a development agreement may rezone land, grant variances and/or special exceptions and other deviations from this code of ordinances.

Sec. 2-97. - Minimum requirements of a statutory development agreement.

Statutory development agreements shall include, at a minimum, all of the items enumerated in F.S. § 163.3227, plus such conditions, terms, restrictions, or other requirements which the parties to the agreement may desire to include and which are not otherwise prohibited by law or which exceed the authority of the parties. If a statutory development agreement provides that any public facilities are to be designed or constructed by the developer, then the agreement shall require that the design and construction be in compliance with all applicable federal, state, and town standards and requirements, including but not to be limited to guarantees of performance and quality and project controls, including scheduling, quality, and quality assurance. When public facilities are to be designed or constructed by the developer, or when the developer agrees to dedicate land to the town, the statutory development agreement shall specifically state the extent to which such design or construction or dedication shall be eligible for impact fee credits pursuant to such impact fee ordinances as the town may have in effect at the time when the statutory development agreement is to become effective. Statutory development agreements also shall incorporate the administrative appeal process set forth in § 2-102 of this LDC.

Sec. 2-98. - Notices and hearings.

No statutory development agreement shall be made pursuant to this article unless and until all of the requirements of F.S. § 163.3225 relating to the agreement have been satisfied. To that end, an affected property owner, as the term is used in F.S. § 163.3225, means all owners of property, as reflected on the current year's tax roll, lying within 375 feet in every direction of the subject property. In addition, if a statutory development agreement is intended to rezone property, grant variances, or accomplish any other approval which otherwise would be controlled by ch. 34 of this LDC, the notices required in ch. 34 also shall be given. The same notice and hearing requirements also should be observed when making home rule development agreements. However, failure to satisfy all of such notice and hearing requirements shall not be grounds to invalidate a home rule development agreement.

Sec. 2-99. - Amendment or cancellation of development agreement by mutual consent.

A statutory development agreement adopted pursuant to this article may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest utilizing the same public hearing and notice requirements as are prescribed for the adoption of development agreements pursuant to this article and any administrative code authorized by § 2-98 of this LDC.

Sec. 2-100. - Reservation of home rule authority.

Nothing contained in this article shall be construed so as to prevent the town from entering into an agreement which is substantially similar to a development agreement adopted pursuant to the Florida Local Government Development Agreement Act, but which is based upon the home rule authority granted the town pursuant to article VIII, § 1(f), of the Constitution of the state and F.S. chs. 163, 166 and 380, and specifically recognized by the state legislature in F.S. § 163.3220(5).

Sec. 2-101. - Conflicts between development agreement and other land development regulations.

To the extent that this code may permit it and a development agreement purports to rezone land, grant deviations or variances from this code, including article II of this chapter, grant development orders or amendments to or extensions thereof equivalent to those which are available pursuant to ch. 10 of this LDC, implement development orders or amendments to development orders for developments of regional impact, or grant building permits or other permits which specifically allow the physical alteration or improvement of land, the development agreement must explicitly identify each instance of conflict with other ordinances and expressly provide for the development agreement to control, or else all of the provisions of such other ordinances shall control to the extent that the development agreement fails to expressly provide otherwise. Any ambiguity with respect to whether a development agreement or an ordinance is to control shall be interpreted to favor the ordinance.

Sec. 2-102. - Appeals.

No person may challenge the validity of a development agreement on the grounds that the agreement conflicts with the town's comprehensive plan except pursuant to the procedures set forth in F.S. § 163.3215. A party or a successor in interest to a party to a development agreement may bring suit to challenge the town's administration of a development agreement only after all administrative remedies prescribed in ch. 34 of this LDC for appeals from administrative actions are exhausted .

Secs. 2-103—2-300. - Reserved.

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#### ~~Sec. 2-94. - Purpose of article.~~

~~(a) The purpose of this article is to invoke the authority recognized in the town by the state in F.S. § 163.3223, to enter into development agreements with any and all persons having legal or equitable interests in real property located in the incorporated area of the town pursuant to the provisions of the Florida Local Government Development Agreement Act. Vendees under a specifically agreements pursuant to its home rule authority. The Town Council finds that use of its home rule authority will facilitate approvals of developments in the best interest of the Town by the ability to consolidate all related processes, which may allow for deviations from the strict development rules under the code. This article shall be an alternative method of review for requests for quasi-judicial rezonings, variances, special exceptions, and/or any other deviations from the strict regulations under this code without having to go through numerous different processes to accomplish a desired development. It is specifically provided that the criteria that would otherwise be required for individual rezonings, variances, special exceptions, and/or other deviations from the strict regulations under this code shall not be required under the process used under this article except as provided herein. Under no circumstances shall a property owner have a legal right or other entitlement to the issuance of a development agreement. Each development agreement shall be considered at the Town Council's discretion, but shall not be arbitrary or unreasonable. The minimum criteria that shall be considered for purposes of analyzing a request for a development agreement shall include review and compliance with all of the following:~~

- ~~i) the development is consistent with the comprehensive plan;~~
- ~~ii) the development fosters the orderly rebuilding of the town after Hurricane Ian or other future storms resulting in a resilient development that will withstand future storms;~~
- ~~iii) the development is compatible with development or planned development within 375 feet, unless waived by the Town Council;~~
- ~~iv) the development will allow public water views, if applicable;~~
- ~~v) the development will not create unmet transportation or mobility demands; and~~
- ~~vi) on balance, the development is in the best interests of the public.~~

~~(a) Vendees under an~~ enforceable contract for the sale of real property shall be recognized as having a sufficient equitable interest so as to have legal capacity to become a party to a development agreement made pursuant to the Florida Local Development Agreement Act ~~with the consent of the property owner~~, but persons having only a mere option to purchase real property shall not be so recognized.

- (b) It is also the purpose of this article to establish notice and hearing procedures similar to those set forth in the Florida Local Development Agreement Act when the town makes agreements pursuant to its home rule authority in those type of agreements which are defined in this article as home rule development agreements. ~~Development~~Some development agreements made pursuant to this article, whether they are home rule development agreements as defined in this article or agreements made pursuant to the Florida Local Government Development Agreement Act, are intended to protect and further the public health, safety and welfare by providing certain guarantees to land developers in exchange for their agreement to provide specified public facilities or services which are related to and consistent with the town's capital improvement planning and financing.

All development agreements shall be recorded and "run with the land." Each development agreement shall have an expiration date.

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*Statutory development agreement* means any agreement made specifically pursuant to the Florida Local Government Development Agreement Act.

- (b) ~~—~~ All other terms which are used in any statutory development agreement made by the town pursuant to the Florida Local Government Development Agreement Act, as such act may be amended from time to time, shall be defined as set forth in F.S. § 163.3221, unless otherwise specifically defined in a particular statutory development agreement. Terms not so defined shall be given their ordinary and customary meanings.

#### Sec. 2-96. ~~—~~ Applications, procedures for, and effects of Home rule development agreements.

~~No person shall have the right to apply for or receive development agreement approval, unless such right is so provided in an appropriate administrative code which establishes procedures for such applications. Should such an administrative code be adopted, then the~~The town shall establish by resolution a schedule of fees and charges which shall be imposed for the filing and processing of each such application. ~~Unless otherwise provided by administrative code, for a~~ development agreement. Development agreements shall be considered by the town council ~~only upon the recommendation of the town manager, who may submit a proposed development agreement,~~written application in written form, for consideration by the town council pursuant to the public hearing requirements of F.S. § 163.3225 and § 2-98 of this LDC. Each such proposed development agreement so submitted shall include an analysis by the town manager's recommendation as planner to whether ensure that all deviations requested in the council should become or decline to become a party to the development agreement, or a modified form of the are properly noted in the development agreement, with such information as the town manager deems necessary to support his recommendation. If approved by ordinance adoption, a development agreement may rezone land, grant variances and/or special exceptions and other deviations from this code of ordinances.

Sec. 2-97. - Minimum requirements of a statutory development agreement.

Statutory development agreements shall include, at a minimum, all of the items enumerated in F.S. § 163.3227, plus such conditions, terms, restrictions, or other requirements which the parties to the agreement may desire to include and which are not otherwise prohibited by law or which exceed the authority of the parties. If a statutory development agreement provides that any public facilities are to be designed or constructed by the developer, then the agreement shall require that the design and construction be in compliance with all applicable federal, state, and town standards and requirements, including but not to be limited to guarantees of performance and quality and project controls, including scheduling, quality, and quality assurance. When public facilities are to be designed or constructed by the developer, or when the developer agrees to dedicate land to the town, the statutory development agreement shall specifically state the extent to which such design or construction or dedication shall be eligible for impact fee credits pursuant to such impact fee ordinances as the town may have in effect at the time when the statutory development agreement is to become effective. Statutory development agreements also shall incorporate the administrative appeal process set forth in § 2-102 of this LDC.

Sec. 2-98. - Notices and hearings.

No statutory development agreement shall be made pursuant to this article unless and until all of the requirements of F.S. § 163.3225 relating to the agreement have been satisfied. To that end, an affected property owner, as the term is used in F.S. § 163.3225, means all owners of property, as reflected on the current year's tax roll, lying within 375 feet in every direction of the subject property. ~~The town council, by adopting an appropriate administrative code, may prescribe more stringent notice requirements.~~ In addition, if a statutory development agreement is intended to rezone property, grant variances, or accomplish any other approval which otherwise would be controlled by ch. 34 of this LDC, the notices required in ch. 34 also shall be given. The same notice and hearing requirements also should be observed when making home rule development agreements. However, failure to satisfy all of such notice and hearing requirements shall not be grounds to invalidate a home rule development agreement.

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A statutory development agreement adopted pursuant to this article may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest utilizing the same public hearing and notice requirements as are prescribed for the adoption of development agreements pursuant to this article and any administrative code authorized by § 2-98 of this LDC.

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Nothing contained in this article shall be construed so as to prevent the town from entering into an agreement which is substantially similar to a development agreement adopted pursuant to the Florida Local Government Development Agreement Act, but which is based upon the home rule authority granted the town pursuant to article VIII, § 1(f), of the Constitution of the state and F.S. chs. 163, 166 and 380, and specifically recognized by the state legislature in F.S. § 163.3220(5).

Sec. 2-101. - Conflicts between development agreement and other land development regulations.

To the extent that this code may permit it and a development agreement purports to rezone land, grant deviations or variances from this code, including article II of this chapter, grant development orders or amendments to or extensions thereof equivalent to those which are available pursuant to ch. 10 of this LDC, implement development orders or amendments to development orders for developments of regional impact, or grant building permits or other permits which specifically allow the physical alteration or improvement of land, the development agreement must explicitly identify each instance of conflict with other ordinances and expressly provide for the development agreement to control, or else all of the provisions of such other ordinances shall control to the extent that the development agreement fails to expressly provide otherwise. Any ambiguity with respect to whether a development agreement or an ordinance is to control shall be interpreted to favor the ordinance.



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No person may challenge the validity of a development agreement on the grounds that the agreement conflicts with the town's comprehensive plan except pursuant to the procedures set forth in F.S. § 163.3215. A party or a successor in interest to a party to a development agreement may bring suit to challenge the town's administration of a development agreement only after ~~he has exhausted the~~ administrative remedies prescribed in ch. 34 of this LDC for appeals from administrative actions are exhausted.

Secs. 2-103—2-300. - Reserved.

# Town of FMB: Future Land Use Element

| EXISTING     |                                                                                                                                                                                                                                                                                                                                          | PROPOSED                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GOAL 4:      | To keep Fort Myers Beach a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage that a hurricane could inflict.                                                                                                                          | GOAL <u>FLU-1</u>        | To keep Fort Myers Beach a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in a beach–resort environment and minimizing the damage <u>to the natural and built environment</u> that a hurricane, <u>sea-level rise, and coastal erosion</u> could inflict.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| OBJECTIVE 4  | -A SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move around without their cars even in the midst of peak-season congestion.                                                                                                             | OBJECTIVE <u>FLU 1.1</u> | SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move <u>throughout the island around</u> <del>and</del> without <u>their</u> <del>the</del> <u>need of</u> cars even in the midst of peak-season congestion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POLICY 4-A-1 | Maintaining the town’s current “human scale” is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. | POLICY <u>FLU 1.1.1</u>  | Maintaining the town’s current “human scale” is a fundamental redevelopment principle. <del>Fort Myers Beach is best enjoyed from outside a car; n</del> <u>New buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights. The Land Development Regulations shall ensure that improvements which potentially impact the appearance of Estero Boulevard, as well as major activity centers such as Times Square and Villa Santini, the mixed-use districts, the town’s shoreline, scenic views of the waterfront and tidal waters, public parks and other public grounds and institutions are managed and enhanced through application of the site plan review process. Community character is reflected in Floor to Area Ratios (FAR), lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The Town shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill and new development.</u> |
| POLICY 4-A-2 | The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.                                                                                                    | POLICY <u>FLU 1.1.2</u>  | The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm. <u>All new development is encouraged to provide for amenities that enhance the public realm, including, but not limited to: art, benches, bike racks, trash receptacles, right-of-way landscaping, etc.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POLICY 4-A-3 | The town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3 below).                                                                                                                                                                                                              | POLICY <u>FLU 1.1.3</u>  | The <u>T</u> town shall protect residential neighborhoods from intrusive commercial activities <del>(see Policies 4-C-2 and 4-C-3 below).</del> <u>Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|              |                                                                                                                                                                                                                                                                                                      |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                                      |                         | <u>Land Development Regulations shall allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for determining compatible home occupation uses, and standards to ascertain that no negative impacts on adjoining properties result.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POLICY 4-A-4 | Easy walking access to the beach is a key element of the town's human scale. Development trends that inhibit this access are undesirable (including traffic improvements to Estero Boulevard that would make it a barrier to the beach for pedestrians).                                             | POLICY <u>FLU 1.1.4</u> | Easy walking access to the beach is a key element of the town's human scale. Development trends that inhibit this access are undesirable. <del>(including traffic improvements to Estero Boulevard that would make it a barrier to the beach for pedestrians).</del> <u>The Town shall not vacate, diminish, or otherwise impair publicly owned pathways, sidewalks, roads, ends of roads, parking areas, docks or boat launching facilities, and other access points currently used, or susceptible to use, by the public to access the shorelines, consistent with Comprehensive Plan unless there is documented evidence that physical public access is destabilizing unaltered shorelines. Further, the Town shall not abandon any right-of-way, improved or unimproved, which terminates on a body of water.</u> |
|              |                                                                                                                                                                                                                                                                                                      | POLICY <u>FLU 1.1.5</u> | <u>The Town shall explore opportunities to provide innovative parking solutions on the Island to meet future demands. The town shall maximize efficient use of land, minimize gaps in the urban landscape, and improve urban form by: encouraging redevelopment of existing surface parking lots; discouraging creation of new surface lots; consolidate parking in strategically located parking structures; and manage parking as a system. The Town shall consider/encourage the use of shared parking.</u>                                                                                                                                                                                                                                                                                                        |
| POLICY 4-A-5 | The town contains many important natural resources despite its urbanized character. Preservation of those resources is of the highest importance and is a frequent theme throughout this plan.                                                                                                       | POLICY <u>FLU 1.1.6</u> | The town contains many important natural resources <del>despite its urbanized character</del> . Preservation of those resources is of the highest importance and is a frequent theme throughout this plan. <u>Efforts shall be made to update the Town's land development regulations to address development in floodplains, shoreline protection, wetlands protection, water quality, urban forestry and habitats for listed protected or endangered species.</u>                                                                                                                                                                                                                                                                                                                                                    |
| POLICY 4-A-6 | The beaches provide incomparable recreational and environmental benefits to the town; careful management of the beach, including renourishment when necessary, can increase both. Frequent beach accesses are essential to the town's character and shall be maintained and expanded where possible. | <u>Policy FLU 1.1.7</u> | The beaches provide incomparable recreational and environmental benefits to the town; careful management of the beach, including renourishment when necessary, can increase both. Frequent beach accesses are essential to the town's character and shall be maintained and expanded where possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|              |                                                                                                                                                                                                                                                                                                      | POLICY <u>FLU 1.1.8</u> | <u>The Town, together with the private sector, shall consider proactive steps and pilot programs to adapt for sea level rise and storm surges, including but not limited to preserving transportation options,</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          | <u>increasing residential building resiliency, preserving landscaping and residential building aesthetics, and preserving water quality.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POLICY 4-A-7 | Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this plan outline the town's efforts on these matters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | POLICY <u>FLU 1.1.9</u>  | Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal/ Management Elements of this plan outline the town's efforts on these matters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POLICY 4-A-8 | The town shall establish clear and consistent rules and processes that govern private and public development. They shall be incorporated into an illustrated Land Development Code that: <ul style="list-style-type: none"> <li>i. defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan;</li> <li>ii. illustrates the types and dimensions of allowable signs that will identify businesses and other destinations without damaging the aesthetic qualities of the town;</li> <li>iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15;</li> <li>iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element;</li> <li>v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and</li> <li>vi. ensures the availability of public facilities at the levels of service specified in this plan concurrently with the impacts of development (see Capital Improvements Element for a summary of these levels of service plus guidelines for the town's Concurrency Management System).</li> </ul> | POLICY <u>FLU 1.1.10</u> | The town shall establish clear and consistent rules and processes that govern private and public development. <del>They</del> <u>Town shall be consider the need to</u> incorporated <del>into an</del> illustrated <u>portions of the</u> Land Development Code that: <ul style="list-style-type: none"> <li>i. Defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan;</li> <li>ii. illustrates the types and dimensions of allowable signs that will identify businesses and other destinations without damaging the aesthetic qualities of the town;</li> <li>iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15;</li> <li>iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element;</li> <li>v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and</li> <li>vi. ensures the availability of public facilities at the levels of service specified in this plan concurrently with the impacts of development (see Capital Improvements Element for a summary of these levels of service plus guidelines for the town's Concurrency Management System).</li> <li>vii. <u>ensures that the approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.</u></li> </ul> |
| POLICY 4-A-9 | Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | POLICY <u>FLU 1.1.11</u> | <del>Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          | <u>Hotels and motels with special incentives as provided by this plan may be rebuilt as post-disaster and pre-disaster buildback only if the current Hotel or Motel use is maintained.</u>                                                                                                                                                                                                                                                                                                                                                                                  |
| POLICY 4-A-10 | Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels. The Land Development Code provides detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.                                                                                                                                                                                                                                                                                          | <u>POLICY FLU 1.1.12</u> | <del>Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels.</del> The Land Development Code <u>shall</u> provides detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.                                                                                                                                                                                                                                                                             |
|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>POLICY FLU 1.1.13</u> | <u>The Land Development Regulations shall be amended to be consistent with this Comprehensive Plan within 12 months of any Comprehensive Plan update.</u>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| OBJECTIVE 4-B | FUTURE LAND USE MAP CATEGORIES<br>— Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.                                                                                                                                                                                                                                                        | <u>OBJECTIVE FLU 1.2</u> | FUTURE LAND USE MAP CATEGORIES --<br>Reduce the potential for further overbuilding through a new Future Land Use Map that protects <u>and enhances the</u> remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.                                                                                                                                                                                                                                          |
| POLICY 4-B-1  | OVERBUILDING: Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights. | <del>POLICY 4-B-1</del>  | <del>OVERBUILDING: Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.</del> |
| POLICY 4-B-2  | MAP ADOPTION: The Town of Fort Myers Beach hereby adopts a Future Land Use Map (Figure 16) to govern further subdivision and development within its municipal boundary. The entire town is located within the coastal high-hazard area, as shown on Figure 17 which is part of the adopted Future Land Use Map series. This map advances the principles of this comprehensive plan by assigning one of eight categories to all land and water, based on its location, condition, and existing uses.                                                              | <u>POLICY FLU 1.2.1</u>  | MAP ADOPTION: The Town of Fort Myers Beach hereby adopts a Future Land Use Map ( <del>Figure 16</del> ) to govern further subdivision and development within its municipal boundary. The entire town is located within the coastal high-hazard area, as shown on <u>the Coastal High Hazard Areas map Figure 17</u> which is part of the adopted Future Land Use Map series. This map advances the principles of this comprehensive plan by assigning one of eight categories to all land and water, based on its location, condition, and existing uses.                   |
|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>POLICY FLU 1.2.2</u>  | <u>LAND USE CATEGORIES The following Future Land Use designations shall be applied to the Future Land Use Map:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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| POLICY 4-B-3 | “LOW DENSITY”: designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <del>POLICY 4-B-3</del><br><br>(Continuation of Policy FLU 1.2.2) | “LOW DENSITY <u>RESIDENTIAL</u> ”: <del>d</del> Designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, <u>except that developments located on parcels less than 0.375 acres in size shall be allowed one additional accessory dwelling unit (ADU), assessed as 0.5 dwelling units, attached or detached, in addition to the primary residence, provided that either the ADU or the primary residence is owner occupied, the development is consistent with the land development regulations, and the development is compatible with surrounding uses.</u> <del>and e</del> Commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| POLICY 4-B-4 | “MIXED RESIDENTIAL”: designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activities are limited to lower-impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%. | <del>POLICY 4-B-4</del><br><br>(Continuation of Policy FLU 1.2.2) | “ <u>MIXED MEDIUM RESIDENTIAL</u> ”: designed for <del>older</del> subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and <del>mobile home and</del> RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre <del>(except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units).</del> <u>except that developments with workforce and affordable housing as covenanted for a minimum of 30 years shall be allowed up to 10 dwelling units per acre, provided that at least 25% of the development is dedicated towards workforce and affordable housing and such development is compatible with the adopted land development regulations and with surrounding uses.</u> <del>Commercial activities are limited to lower impact uses such as offices, motels, churches, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 7.9% of the land in this category, and this percentage shall not exceed 12%.</del> |
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                   | “ <u>MIXED-USE</u> ”: This land use designation is designed for portions of the Town along Estero Boulevard to allow for commercial and multifamily residential development. Each mixed-use district is prescribed a maximum density and intensity. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  |  | <p>(Continuation of Policy FLU 1.2.2)</p> | <p>consistency with this comprehensive plan shall be evaluated by the Town. Where commercial uses are permitted, residential uses are encouraged in upper floors. Within the Mixed-Use land use category, all existing “Marina” uses described shall be preserved and allowed to remain on parcels that were zoned for marinas prior to adoption of this plan.</p> <p>The following provides for the specific Mixed-Use Districts</p> <p>a. <u>TIME SQUARE MIXED-USED (TS-MU) DISTRICT</u></p> <p><b><u>Purpose:</u></b> The Time Square Mixed-Use District serves as the Town’s main tourist destination. The district is located at the Town’s northern gateway and is generally bounded by First Street—to Estero Boulevard, and from Old San Carlos Boulevard to Pearl Street. The district shall encourage mixed-uses and compact urban design that enhances the pedestrian experience and limits the use of vehicles. The Town shall encourage the preservation of existing housing on the bay side of Estero Boulevard. Properties abutting Estero Boulevard shall be encouraged to develop to primarily meet the needs of visitors.</p> <p><b><u>Uses which may be permitted:</u></b> Where permissible and consistent with Flood regulations, development on Estero Boulevard shall be in a mixed-use context with commercial uses required on the ground floor. Development shall encourage preservation or enhancement of existing hotel/motel and multifamily densities east of Estero Boulevard. Uses permitted include, general retail, personal services, restaurants/bars (including outdoor dining), take-out and outdoor walk-up facilities, marine-dependent and marine related uses, lodging/hotel accommodations, and live entertainment venues. New surface parking lots as a principal use are discouraged. The land development regulations shall prescribe and limit the permitted uses in this district.</p> <p><b><u>Intensity:</u></b> The District’s maximum building height shall be established by the Land Development Regulations. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town and provide for provisions for non-habitable ground floor space as applicable. The non-residential Floor Area Ratios (FAR) shall not exceed the highest of the following:</p> <ul style="list-style-type: none"> <li>• <u>2.5 for properties fronting on Old San Carlos between Fifth and First Streets and fronting on the Times Square pedestrian plaza.</u></li> </ul> |
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|  |  |  | <ul style="list-style-type: none"> <li>• <u>1.5 for properties fronting on Estero Boulevard and fronting on the Bayfront pedestrian plazas.</u></li> <li>• <u>1.0 for all other properties in the Downtown district.</u></li> </ul> <p><u>Transient residential (hotel and motel) shall be counted as non-residential development and subject to rules on FAR.</u></p> <p><b><u>Density:</u></b> <u>The permitted density is six (6) units per acre. Permitted density may be increased to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</u></p> <p>b. <b><u>COCONUT VILLAGE MIXED-USE (CV-MU) DISTRICT</u></b></p> <p><b><u>Purpose:</u></b> <u>The Coconut Village Mixed-Use District includes properties adjacent to Estero Boulevard from Chapel Street to Lover's Lane as provided for in the Future Land Use Map. The CV-MU District's core, approximately bounded by Chapel Street and School Street, is envisioned to support a mix of housing options and neighborhood-serving retail uses for the immediate residential cluster. The town shall encourage the collocation of any redeveloped or new municipal services and educational facilities within the district. Encroachment into the adjacent low-density residential districts shall be prohibited. The use of landscaping, increased setbacks and reduced building heights shall be employed to serve as a transition between the land use categories.</u></p> <p><b><u>Uses which may be permitted:</u></b> <u>As limited by the land development regulations, permitted uses shall include civic/municipal uses, business and professional offices (including emergency, medical and dental), retail sales and personal service establishments, restaurants (including outdoor dining). Hotel/motel uses shall be conditional. Compact residential developments that support various housing types for permanent residents of the Island is encouraged in this district, including but not limited to Workforce Housing. When permitted, properties along Estero Boulevard shall be redeveloped in a mixed-use context only with retail or commercial uses required on the ground floor.</u></p> <p><b><u>Intensity:-</u></b> <u>The District's maximum building height shall be established by the Land Development Regulations. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town and provide for provisions for non-habitable ground floor space as applicable.</u></p> <p><b><u>Density:</u></b> <u>The maximum density is six (6) dwelling units per acre. Permitted density may be increased to ten (10) units</u></p> |
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|  |  |  | <p><u>per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</u></p> <p>c. <u>CENTER ISLAND MIXED-USE (CI-MU) DISTRICT</u></p> <p><b><u>Purpose:</u></b> The Center Island Mixed-Use District's general boundaries are generally from Estero Bay to the Gulf, and from Bayview Avenue to Madera Road. The Center Island Mixed-Use District is envisioned as a lifestyle retail center with a mix of uses that supports the existing marina. The intent of this district is to provide development opportunities for existing and new medium-intensity commercial uses to serve the Town.</p> <p><b><u>Uses which may be permitted:</u></b> As limited by the land development regulations, permitted uses include various types of commercial business and professional offices (including medical and dental), retail sales and personal service establishments, restaurants (including outdoor dining), and residential (only in mixed-use context). Marine-related and marine-dependent uses that support an active waterfront and marina are highly encouraged. Elimination or reduction of the marina use is prohibited.</p> <p><b><u>Intensity:</u></b> The District's maximum building height shall be established by the Land Development Regulations. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable.</p> <p><b><u>Density:</u></b> The maximum density is six (6) dwelling units per acre. Permitted density may be increased to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</p> <p>d. <u>THEATRE ARTS MIXED-USE DISTRICT</u></p> <p><b><u>Purpose:</u></b> The Theatre Arts Mixed- Use District is envisioned as the cultural, theater, and arts district for the Island. The TA-MU District is composed of the properties abutting Estero Boulevard to the west, from Mound Road to Ibis Street, and includes the Beach Theatre site. The Town shall encourage the preservation of the theatre.</p> <p><b><u>Uses which may be permitted:</u></b> Uses that support and enhance the Town's cultural assets are encouraged in the TA-MU District. Permitted uses, as limited by the land development regulations, includes commercial recreation,</p> |
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|  |  |  | <p>retail, restaurants (including outdoor dining), venue spaces, theaters, artisanal retail, art galleries, music and dance studios, arts education, and live/work units. Live/work units are permitted on the ground level. Exclusively residential uses are permitted only above the ground floor.</p> <p><b>Intensity:</b> The District's maximum building height shall be established by the Land Development Regulations. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable.</p> <p><b>Density:</b> The maximum density is six (6) dwelling units per acre. Permitted density may be increased to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</p> <p>e. <u>THE SANTINI VILLAGE MIXED-USE DISTRICT</u></p> <p><u>Purpose:</u> Santini Village Mixed-Use District is the tallest and most dense district on the island with tourist supporting services and commercial uses. It is also envisioned as a redevelopment opportunity with more entertainment, tourist and neighborhood commercial uses at the southern gateway of the Island. The SV-MU District includes the existing Santini Marina Plaza Shops. The general boundaries include the properties along Estero Boulevard from Island Pines Way south to Bella Lago Drive as depicted on the Future Land Use map. The City's redevelopment plan for Santini Plaza, prepared by Dover, Kohl &amp; Partners established a vision for this area. The plan shall serve as a guide to the District's redevelopment. Special consideration shall be given to the existing marina. The marina site shall be redeveloped in a mixed-use context to promote an active waterfront with a mix of uses. The marina use shall not be eliminated by the site's redevelopment.</p> <p><b>Uses which may be permitted:</b> Uses shall serve the needs of residents and visitors, as limited by the land development regulations. Permitted uses include general retail, amusement centers, bars, restaurants (including outdoor dining), residential, personal services, professional offices (including dental and medical), assisted living facilities, hotel/lodging accommodations, and marine-related/dependent uses. For properties abutting Estero Boulevard, commercial development is required on the ground floor.</p> |
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|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  | <p><b><u>Intensity:</u></b> The District's maximum building height shall be established by the Land Development Regulations. Maximum building heights shall include considerations of flood elevation, freeboard standards as may be adopted and amended from time to time by the Town, and provide for provisions for non-habitable ground floor space as applicable. The maximum non-residential FAR for the district is 1.0.</p> <p><b><u>Density:</u></b> The maximum density is six (6) dwelling units per acre. Permitted density may be increased to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POLICY 4-B-5 | <p>"BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units). To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.</p> | POLICY FLU 1.2.3 | <p>"BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, <u>traditionally comprised of</u> historic cottages, and mixed housing types. This category is not intended to allow commercial uses on all properties; its mixed-use nature is intended to remain permanently. For new residential development, the maximum density is 6 dwelling units per acre <del>(except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for legally existing dwelling units)</del>. To obtain approval for new or expanded commercial activities, proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. These qualities and overall consistency with this comprehensive plan shall be evaluated by the town through the planned development rezoning process. <del>Non-residential uses (including motels and churches) now comprise 46.9% of the land in this category, and this percentage shall not exceed 70%.</del></p> <p><b><u>Density:</u></b> Permitted density may be increased to ten (10) units per acre provided that at least 10% of the development is for affordable or workforce housing as covenanted for a minimum of 30 years.</p> |
| POLICY 4-B-6 | <p>"PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Id San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | POLICY FLU 1.2.4 | <p>"PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Id San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map's "platted overlay" indicates a maximum density of 10 units per acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|              | acre for affordable units consistent with the adopted redevelopment plan). Commercial activities must contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.                                                                                                |                         | contribute to the pedestrian-oriented public realm as described in this comprehensive plan and must meet the design concepts of this plan and the Land Development Code. Where commercial uses are permitted, residential uses are encouraged in upper floors. All “Marina” uses in Policy 4-B-7 are also allowed on parcels that were zoned for marinas prior to adoption of this plan. Nonresidential uses (including motels and churches) now comprise 58.9% of the land in this category, and this percentage shall not exceed 90%.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POLICY 4-B-7 | “MARINA”: designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provided that don’t displace recreational marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be placed in the Land Development Code.                                                                                                                                                                                                                                                                                            | POLICY <u>FLU 1.2.5</u> | <del>“MARINA”:- designed for prime sites that can provide access to the valuable waters around Fort Myers Beach. This category provides services for recreational boating, including related accessory uses provided that don’t displace recreational marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category. Specific regulations will be placed in the Land Development Code.</del><br><u>existing Marinas are prime sites that can provide access to the valuable waters around Fort Myers Beach. Development within the Marina district shall be limited to 1 FAR and 4 dwelling units per acre. This category shall prioritize services for limited industrial and recreational boating, including related accessory uses. The redevelopment of existing Marinas shall encourage a working waterfront with mixed-use development, inclusive of commercial and residential uses, provided the uses do not displace marina dependent and related services. Specific regulations will be placed in the Land Development Code.</u> |
| POLICY 4-B-8 | “RECREATION”: applied to public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes or through beach renourishment, will automatically be assigned to this category. No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line). The maximum density of residential development here is 1 dwelling units per 20 acres, with all dwelling units to be constructed outside his category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related | POLICY <u>FLU 1.2.6</u> | <u>“RECREATION AND OPEN SPACE”: This designation provides for applied</u><br><del>to</del> public parks, schools, undevelopable portions of Bay Beach, and those parts of Gulf beaches that lie seaward of the 1978 coastal construction control line. Additional accretions of beach, whether by natural causes or through beach renourishment, <del>will automatically be assigned to this category.</del> No new residential development is permitted (although several existing buildings were legally constructed partially seaward of the 1978 control line).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|               | public facilities. Non-recreational uses (such as the elementary school) now comprise 2.7% of the land in this category; additional school sites and public buildings shall not increase this percentage beyond 6%.                                                                                                                                                                                                                                                                                                                                                                                   |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POLICY 4-B-9  | “WETLANDS”: a conservation district applied to all remaining wetlands. The maximum density of residential development here is 1 dwelling units per 20 acres. Other allowable uses, if compatible with wetland functions, are passive recreation, walking access to tidal waters (boardwalks and docks), and restoration of degraded habitats. Prohibited activities include placement of fill material; dredging of boat basins and channels; placement of seawalls or other shoreline stabilization; and removal of native vegetation.                                                               | POLICY <u>FLU 1.2.7</u>  | “WETLANDS”: a conservation district applied to all remaining wetlands. The maximum density of residential development here is 1 dwelling units per 20 acres. Other allowable uses, if compatible with wetland functions, are passive recreation, walking access to tidal waters (boardwalks and docks), and restoration of degraded habitats. Prohibited activities include placement of fill material; dredging of boat basins and channels; placement of seawalls or other shoreline stabilization; and removal of native vegetation.                                                                          |
| POLICY 4-B-10 | “TIDAL WATER”: applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted. Allowable uses are water sports, boating, swimming, fishing, and similar uses. Also allowed are fixed structures for water access provided they comply with Land Development Code provisions designed to avoid impeding navigation and to minimize environmental damage and interference with aesthetic enjoyment of surrounding waters.                                                                    | POLICY <u>FLU 1.2.8</u>  | “TIDAL WATER”: applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet). No residential development is permitted. Allowable uses are water sports, boating, swimming, fishing, and similar uses. Also allowed are fixed structures for water access provided they comply with Land Development Code provisions designed to avoid impeding navigation and to minimize environmental damage and interference with aesthetic enjoyment of surrounding waters.                                                                               |
| POLICY 4-B-11 | PLATTED OVERLAY: This is not a separate category on the Future Land Use Map, but is applied in addition to one of the eight categories listed above. Allowable land uses are the same as in the underlying category, but the maximum residential density is 10 units per acre. This density level applies in the Pedestrian Commercial category only for affordable units consistent with the adopted redevelopment plan; in other categories it applies only to recognize existing dwelling units that were built legally but which would be non-conforming under a density cap of 6 units per acre. | <del>POLICY 4-B-11</del> | <del>PLATTED OVERLAY: This is not a separate category on the Future Land Use Map, but is applied in addition to one of the eight categories listed above. Allowable land uses are the same as in the underlying category, but the maximum residential density is 10 units per acre. This density level applies in the Pedestrian Commercial category only for affordable units consistent with the adopted redevelopment plan; in other categories it applies only to recognize existing dwelling units that were built legally but which would be non-conforming under a density cap of 6 units per acre.</del> |
| POLICY 4-B-12 | LAND-USE TYPES DEFINED: For purposes of this comprehensive plan, land uses are divided into the following types:<br>i. Residential uses include detached homes, accessory apartments (see Policy 4-C-7), home occupations (see Policy 4-B-3), mobile homes,                                                                                                                                                                                                                                                                                                                                           | POLICY <u>FLU 1.2.9</u>  | LAND-USE TYPES DEFINED: For purposes of this comprehensive plan, land uses are divided into the following types:<br>i. Residential uses include detached homes, accessory apartments (see Policy 4-C-7), home occupations (see Policy 4-B-3), <u>mobile homes, assisted living facilities, apartments, live-work units, accessory dwelling units for commercial</u>                                                                                                                                                                                                                                              |



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|               | <p>apartments, and condominiums, provided that no dwellings are rented for periods shorter than one week.</p> <p>ii. Commercial uses involve the sale or rental of goods or services, including businesses such as retail stores, offices, restaurants/bars, service/craft/rental businesses, RV parks, and hotels/motels/resorts; churches and civic buildings are also included in this category.</p> <p>iii. Marina uses involve the use of prime waterfront sites to support recreational boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair.</p> <p>iv. Industrial uses such as manufacturing, seafood processing, and warehousing are not permitted in the Town of Fort Myers Beach, except for dry storage of boats at approved marinas.</p> <p>v. Recreational uses include beaches, parks, playgrounds, and similar uses.</p> <p>vi. Mixed uses means some combination of the above land-use types in a single building, or on a single site, or on different sites within a single category on the Future Land Use Map, depending on the context.</p> |                          | <p><u>structures, and condominiums, provided that no dwellings are rented for periods shorter than one week.</u></p> <p>ii. Commercial uses involve the sale or rental of goods or services, including businesses such as <u>art galleries, art/music/dance/theater studios, retail stores, offices (including medical and veterinary), urgent care facilities,</u> restaurants/bars, service/craft/rental businesses, <u>RV</u> parks, and hotels/motels/resorts; churches and civic buildings are also included in this category.</p> <p>iii. Marina uses involve the use of prime waterfront sites to support <u>a mix of uses, including residential, commercial, recreational</u> boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair.</p> <p>iv. Industrial uses such as manufacturing, seafood processing, and warehousing are not permitted in the Town of Fort Myers Beach, except for dry storage of boats at approved marinas.</p> <p>v. Recreational uses include beaches, parks, playgrounds, and similar uses.</p> <p>vi. Mixed uses means some combination of the above land-use types in a single building, or on a single site, or on different sites within a single category on the Future Land Use Map, depending on the context.</p> |
| POLICY 4-B-13 | <p>PUBLIC FACILITIES: Most public facilities such as parks, schools, libraries, fire stations, and government buildings will continue be located within the “Recreation” category (but only park structures are allowed seaward of the 1978 Coastal Construction Control Line). When no suitable sites can be found in the “Recreation” category, public facilities may also be located in “Mixed Residential,” “Boulevard,” and “Pedestrian Commercial” categories as may be allowed by the Land Development Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | POLICY <u>FLU 1.2.10</u> | <p>PUBLIC FACILITIES: <del>Most p</del>Public facilities such as parks, schools, libraries, fire stations, and government buildings <del>will</del> <u>may continue</u> be located within the “Recreation” category (but only <u>non-habitable</u> park structures are allowed seaward of the 1978 Coastal Construction Control Line), <u>and all mixed-use, commercial, and boulevard land use categories.</u> <del>When no suitable sites can be found in the “Recreation” category, public facilities may also be located in “Mixed Residential,” “Boulevard,” and “Pedestrian Commercial” categories as may be allowed by the Land Development Code.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POLICY 4-B-14 | <p>SCHOOLS: Public and private schools may be located in the following categories on the future land use map: Mixed Residential, Boulevard, Pedestrian Commercial, or Recreation (but never seaward of the 1978 coastal construction control line). The maximum intensity of new or expanded schools shall not exceed a floor-area-ratio of 0.50 (the total floor area of the building divided by the buildable area of the site). Governmental agencies providing parks, libraries and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | POLICY <u>FLU 1.2.11</u> | <p>SCHOOLS: Public and private schools may be located in <u>all mixed-use, commercial, and boulevard land use categories except for Wetlands and Recreation and Open Space, provided that the school is the following categories on the future land use map: Mixed Residential, Boulevard, Pedestrian Commercial “Mixed Use,” or Recreation (but never not</u> seaward of the 1978 coastal construction control line) <u>and compliant with Flood and other regulations as established by the Land Development Regulations.</u> <del>The maximum intensity of new or expanded schools shall not exceed a floor-area-ratio of 0.50 (the total floor area of the building divided by the buildable area</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|               | community centers are strongly encouraged to locate them near schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          | <del>of the site).</del> Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| OBJECTIVE 4-C | APPLYING THE FUTURE LAND USE MAP — The Future Land Use Map shall be interpreted in accordance with the following policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | OBJECTIVE <u>FLU 1.3</u> | APPLYING THE FUTURE LAND USE MAP — The Future Land Use Map shall be interpreted in accordance with the following policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POLICY 4-C-1  | LEGAL EFFECT: The density limits and land-use restrictions described above for each category are legally binding immediately upon adoption of this comprehensive plan. During the preparation of the new Land Development Code that will fully implement this plan, conflicts may arise with previous regulations and zoning districts. Chapter 15 of this plan describes how such conflicts will be resolved.                                                                                                                                                                                                                                                                                                                                  | POLICY <u>FLU 1.3.1</u>  | LEGAL EFFECT: The density limits and land-use restrictions described above for each category are legally binding immediately upon adoption of this comprehensive plan. During the preparation of the new Land Development Code that will fully implement this plan, conflicts may arise with previous regulations and zoning districts. Chapter 15 of this plan describes how such conflicts will be resolved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POLICY 4-C-2  | COMMERCIAL INTENSITY: The maximum intensity of allowable commercial development in any category may be controlled by height regulations (see Policy 4-C-4) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses only in the “Pedestrian Commercial” category. The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the “Pedestrian Commercial” category as high as 2.5, and in other categories as high as 1.5,            | POLICY <u>FLU 1.3.2</u>  | COMMERCIAL INTENSITY: The maximum intensity of allowable commercial development in any category may be controlled by height and <u>Floor to Area Ratio (FAR)</u> regulations ( <del>see Policy 4-C-4</del> ) or by other provisions of this plan and the Land Development Code. Standards in the Land Development Code will encourage more intense commercial uses <u>on properties with frontage on Estero Boulevard and only in the “Pedestrian Commercial” “Mixed-Use” and “Commercial” category categories.</u> <del>The Land Development Code shall specify maximum commercial intensities using floor-area-ratios (the total floor area of the building divided by the area of the site in the category allowing commercial uses). The Land Development Code may allow floor-area-ratios in the “Pedestrian Commercial” category as high as 2.5, and in other categories as high as 1.5,</del> |
| POLICY 4-C-3  | COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:<br>i. No rezonings for commercial uses shall be allowed in the “Low Density” category.<br>ii. Where new or expanded commercial uses are encouraged, as in the “Pedestrian Commercial” category, the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.<br>iii. In the “Mixed Residential” category, commercial uses are limited to lower-impact uses such as offices, | POLICY <u>FLU 1.3.3</u>  | COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply:<br>i. No rezonings for <u>purely</u> commercial uses shall be allowed in the “Low Density <u>Residential</u> ” category.<br>ii. Where new or expanded commercial uses are encouraged, <del>as in the “Pedestrian Commercial” category,</del> the Land Development Code shall specify its permitted form and extent and provide a streamlined approval process. Landowners may also use the planned development rezoning process to seek approval of other forms of commercial development in that category.<br>iii. In the “Mixed Residential” category, commercial uses are limited to lower impact uses such as offices, motels, and public                                                                                      |

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|              | <p>motels, and public uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code. Landowners may seek commercial rezoning only through the planned development process.</p> <p>iv. In the “Boulevard” category, where mixed-use development including some commercial uses may be permissible, landowners may seek commercial rezoning only through the planned development process. Proposals must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.</p> <p>v. The following principles shall be considered by the town when evaluating requests for new commercial uses:</p> <p>a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak-season congestion.</p> <p>b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.</p> <p>vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:</p> <p>a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);</p> <p>b. its physical scale (such as the height, and bulk of proposed buildings); and c. the orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.</p> |                         | <p>uses, and must be sensitive to nearby residential uses, complement any adjoining commercial uses, contribute to the public realm as described in this comprehensive plan, <u>satisfy concurrency requirements for public facilities</u>, and meet the design concepts of this plan and the Land Development Code. <del>Landowners may seek commercial rezoning only through the planned development process.</del></p> <p>iv. In the “Boulevard” and “<u>Mixed-Use</u>” category, <del>where</del> mixed-use development including <del>some</del> commercial and residential uses <del>may be</del> <u>are</u> permissible. <del>landowners may seek commercial rezoning only through the planned development process.</del> Proposals must be sensitive to nearby residential uses, <del>complement any adjoining commercial uses</del>, contribute to the public realm as described in this comprehensive plan, and meet the design concepts of this plan and the Land Development Code.</p> <p><del>v. The following principles shall be considered by the town w</del><br/><u>When</u> evaluating requests for new commercial uses: <u>shopping</u></p> <p><del>a. Shopping and services for residents and overnight guests are strongly preferred over shopping and services that will attract additional day visitors during peak season congestion.</del></p> <p>b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access.</p> <p>vi. The neighborhood context of proposed commercial uses is of paramount importance. The sensitivity of a proposed commercial activity to nearby residential areas can be affected by:</p> <p>a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);</p> <p>b. its physical scale (such as the height, and bulk of proposed buildings); and</p> <p>c. the orientation of buildings and parking). Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.</p> |
| POLICY 4-C-4 | <p><b>BUILDING HEIGHTS:</b> The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations (see</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | POLICY <u>FLU 1.3.4</u> | <p><b>BUILDING HEIGHTS:</b> The Land Development Code shall limit the height of new buildings under most conditions to <del>two</del> <u>three</u> stories <del>or 30 feet</del> above flood elevation <u>except where otherwise noted in this Comprehensive Plan</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



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|              | <p>Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.</p> |                         | <p><u>Land Use categories and to provide for workforce housing units protected by a minimum 30-year covenant, (exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment Mixed-Use areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). The town shall encourage taller building heights in the mixed-use districts. Mixed-use district regulations shall include provisions to limit heights or provide for additional buffers when the development is located within 100 ft of detached single family residences.</u> In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous <del>(or directly across a street)</del> that this <del>two</del> <u>three</u>-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. <del>One additional story or</del> <u>An additional 10 FT of height may be provided in lieu of the provision of workforce housing units or other contribution to affordable housing.</u> Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than <del>two</del> <u>three</u> stories. <u>The ground floor for developments along the Gulf side of Estero Boulevard shall be encouraged to provide non-habitable uses that enhance the view corridors to the Gulf.</u> In each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.</p> |
| POLICY 4-C-5 | <p>DENSITY: This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 | POLICY <u>FLU 1.3.5</u> | <p>DENSITY: This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. <del>When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwelling are permitted.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|              | in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwelling are permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POLICY 4-C-6 | <p>MOTEL DENSITIES: The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).</p> | POLICY <u>FLU 1.3.6</u> | <p><del>MOTEL-TRANSIENT DENSITIES: The Land Development Code shall provide for the usage of commercial, mixed-use, or transient residential FAR, whichever is the most restrictive, and minimum hotel/motel unit sizes as the basis for calculating transient residential unit. specify equivalency factors between guest transient units (which include motel rooms) and full permanent dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth to First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).</del></p> |
| POLICY 4-C-7 | <p>ACCESSORY APARTMENTS: Accessory apartments are common at Fort Myers Beach and may be legal under several circumstances:</p> <ul style="list-style-type: none"> <li>i. If the apartment is in a building that meets all requirements (including density limits in this plan); or</li> <li>ii. If the apartment was built prior to zoning in 1962 and has been in continuous use, it may qualify as a “legally non-conforming use” and can continue in use until taken out of service; or</li> <li>iii. If the apartment was built between 1962 and 1984 and complies with all requirements except the density cap of 6 dwelling units per acre and the floodplain elevation requirements (both of which took effect in 1984); or</li> <li>iv. If a single existing apartment is in an owner-occupied home, it is not considered an independent dwelling unit and may be allowed under certain</li> </ul>                                                                                                                                                                                                                                                                                                                                                                               | POLICY <u>FLU 1.3.7</u> | <p>ACCESSORY <u>DWELLING UNITS</u> APARTMENTS: Accessory apartments <del>are common</del> provide an option for inclusive housing in at Fort Myers Beach and may be legal under several circumstances.: <u>For the purposes of density calculation, accessory dwelling units shall be counted as 0.5 units.</u></p> <ul style="list-style-type: none"> <li>i. <del>If the apartment is in a building that meets all requirements (including density limits in this plan); or</del></li> <li>ii. <del>If the apartment was built prior to zoning in 1962 and has been in continuous use, it may qualify as a “legally non-conforming use” and can continue in use until taken out of service; or</del></li> <li>iii. <del>If the apartment was built between 1962 and 1984 and complies with all requirements except the density cap of 6 dwelling units per acre and the floodplain elevation requirements (both of which took effect in 1984); or</del></li> <li>iv. <del>If a single existing apartment is in an owner-occupied home, it is not considered an independent dwelling unit and may be</del></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|               | conditions as specified in the Land Development Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          | <del>allowed under certain conditions as specified in the Land Development Code.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>POLICY FLU 1.3.8</u>  | <u>AUXILIARY DWELLING UNITS FOR COMMERCIAL PROPERTIES: The Town shall explore and provide for land development regulations that provide auxiliary dwelling units in existing commercial structures, while maintaining commercial uses on the ground floor. The Town shall explore density transfer of existing transient units in properties designated Commercial, to facilitate the development of auxiliary dwelling units on properties with a land use designation of Commercial.</u>                                                                                                                                                                                                                                                                                                                                                                |
| POLICY 4-C-8  | DENSITY TRANSFERS: The Town Council may, at its discretion, permit the transfer of residential and hotel/motel development rights from one parcel to another if the following conditions are met:<br>i. the transfer is clearly in the public interest, as determined by the Town Council;<br>ii. the parcels affected by the transfer are in close proximity to each other;<br>iii. the density of residential or hotel/motel units being transferred is based upon allowable density levels in the category from which the density is being transferred;<br>iv. the transfer is approved through the planned development rezoning process; and<br>v. binding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer. | <u>POLICY FLU 1.3.9</u>  | DENSITY TRANSFERS: The Town Council may, at its discretion, permit the transfer of residential and <u>transient (including hotel/motel)</u> development rights from one parcel to another if the following conditions are met:<br>i. the transfer is clearly in the public interest, as determined by the Town Council;<br>ii. <del>the parcels affected by the transfer are in close proximity to each other;</del><br>iii. the density of residential or hotel/motel units being transferred is based upon allowable density levels in the category from which the density is being transferred;<br>iv. the transfer is approved through the planned development rezoning process; and<br>v. binding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer. |
| POLICY 4-C-9  | UTILITY SERVICES: Utility services may be constructed in any category on the Future Land Use Map provided all development regulations are met including proper zoning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>POLICY FLU 1.3.10</u> | UTILITY SERVICES: Utility services may be constructed in any category on the Future Land Use Map provided all development regulations are met including proper zoning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POLICY 4-C-10 | MAP AMENDMENTS: The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.                                                                                                                                                                                                                                                                                                                                                                                                              | <u>POLICY FLU 1.3.11</u> | MAP AMENDMENTS: The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POLICY 4-C-11 | SANTOS ROAD: The town is interested in considering land-use alternatives for parcels bordering Palermo Circle, Santos Road, and Estero Boulevard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>POLICY 4-C-11</u>     | <del>POLICY 4-C-11 SANTOS ROAD: The town is interested in considering land-use alternatives for parcels bordering Palermo Circle, Santos Road, and Estero Boulevard. Alternatives may include: Santos Road being added into</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|               | Alternatives may include: Santos Road being added into the pedestrian zone; limited retail on the ground floor along Santos, with shared off-site parking; better buffering of existing parking and refuse areas; and a clear separation between all commercial uses and the residential areas on Palermo Circle. These options would be explored by a privately-funded but town-initiated planning process, with full involvement of affected and nearby landowners.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                          | <del>the pedestrian zone; limited retail on the ground floor along Santos, with shared off-site parking; better buffering of existing parking and refuse areas; and a clear separation between all commercial uses and the residential areas on Palermo Circle. These options would be explored by a privately-funded but town-initiated planning process, with full involvement of affected and nearby landowners.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POLICY 4-C-12 | WETLAND BUFFERS: Upland development shall maintain a 75-foot separation between wetlands and buildings or other impervious surfaces. This requirement shall not apply to platted lots, or to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement (see Chapter 15 of this plan for details).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | POLICY <u>FLU 1.3.12</u> | WETLAND BUFFERS: Upland development shall maintain a 75-foot separation between wetlands and buildings or other impervious surfaces. This requirement shall not apply to platted lots, or to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement (see Chapter 15 of this plan for details).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| OBJECTIVE 4-D | POST-DISASTER REDEVELOPMENT —Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | OBJECTIVE <u>FLU 1.4</u> | POST-DISASTER REDEVELOPMENT —<br>Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of floodproofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POLICY 4-D-1  | POST-DISASTER BUILDBACK POLICY: Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:<br>i. Buildings/development damaged less than 50% of their replacement cost (measured at the time of damage) can be rebuilt to their original condition, subject only to current building and life safety codes.<br>ii. Buildings/development damaged more than 50% of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, size, and style provided the new construction complies with:<br>a. federal requirements for elevation above the 100-year flood level;<br>b. any building code requirements for floodproofing;<br>c. current building and life safety codes;<br>d. Coastal Construction Control Line requirements; and | POLICY <u>FLU 1.4.1</u>  | POLICY 4-D-1 POST-DISASTER BUILDBACK POLICY:<br>Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:<br>i. Buildings/development damaged less than 50% of their replacement cost (measured at the time of damage) can be rebuilt to their original condition, subject only to current building and life safety codes.<br>ii. Buildings/development damaged more than 50% of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, size, and style provided the new construction complies with:<br>a. federal requirements for elevation above the 100-year flood level;<br>b. any building code requirements for floodproofing;<br>c. current building and life safety codes;<br>d. Coastal Construction Control Line requirements; and |



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|               | <p>e. any required zoning or other development regulations (other than density or intensity), except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.</p> <p>iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the town's land development regulations.</p> <p>To further implement this policy, the town may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction. The Land Development Code may also establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.</p> |                          | <p>e. any required zoning or other development regulations (other than density or intensity), except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.</p> <p>iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the town's land development regulations. To further implement this policy, the town may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction. The Land Development Code may also establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.</p>                                                                                                                                  |
| OBJECTIVE 4-E | HAZARD MITIGATION — Mitigate the potential effects of hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | OBJECTIVE <u>FLU 1.5</u> | HAZARD MITIGATION — Mitigate the potential effects of <u>storm surges, flooding, sea-level rise, coastal erosion, and hurricanes</u> by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POLICY 4-E-1  | PRE-DISASTER BUILDBACK POLICY: Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it at up to the existing lawful density and intensity (up to the original square footage) prior to a natural disaster. Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. The Town Council may approve additional enclosed square-footage only if an existing building is being elevated on property that allows commercial uses; dry-floodproofed commercial space at ground                                                                                                                                         | POLICY <u>FLU 1.5.1</u>  | PRE-DISASTER BUILDBACK POLICY: Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it at up to the existing lawful density and intensity (up to the original square footage) prior to a natural disaster. Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. <u>Such development shall be deemed legally non-conforming where applicable. The Town may require that the new building be built to a higher resiliency standard as a condition to allow the non-conformity, including adherence to FEMA regulations and the Florida Building Code.</u> <del>The Town Council may approve additional enclosed square footage only if an existing building is being elevated on property that allows commercial uses; dry-flood-</del> |

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|              | level could be permitted in addition to the replacement of the pre-existing enclosed square footage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                         | <del>proofed commercial space at ground level could be permitted in addition to the replacement of the pre-existing enclosed square footage.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POLICY 4-E-2 | COASTAL SETBACKS: To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the town only where it can be scientifically demonstrated that the 1978 line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. (Exceptions must also comply with all state laws and regulations regarding coastal construction.) | POLICY <u>FLU 1.5.2</u> | COASTAL SETBACKS: To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the town only where it can be scientifically demonstrated that the 1978 line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. (Exceptions must also comply with all state laws and regulations regarding coastal construction.) |
| POLICY 4-E-3 | NATIONAL FLOOD INSURANCE PROGRAM: The town will continually maintain a floodplain ordinance that reduces future damage from flooding and qualifies landowners for the National Flood Insurance Program. The town shall modify its current floodplain ordinance in accordance with this comprehensive plan through measures such as:<br>i. not counting costs of strengthening buildings as "improvements" that are limited to 50% of a building's value; and<br>ii. minimizing the negative effects of the 50% rule on historic buildings; and<br>iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan's "Pedestrian Commercial" category; and<br>iv. providing reasonable alternatives for determining the value of older buildings.                                                                                                                                                                                     | POLICY <u>FLU 1.5.3</u> | NATIONAL FLOOD INSURANCE PROGRAM: The town will continually maintain a floodplain ordinance that reduces future damage from flooding and qualifies landowners for the National Flood Insurance Program. The town shall modify its current floodplain ordinance in accordance with this comprehensive plan through measures such as: Through means that require higher standards.<br><del>i. not counting costs of strengthening buildings as "improvements" that are limited to 50% of a building's value; and</del><br><del>ii. minimizing the negative effects of the 50% rule on historic buildings; and</del><br><del>iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan's "Pedestrian Commercial" "Mixed Use" category; and</del><br><del>iv. providing reasonable alternatives for determining the value of older buildings.</del>                                                                                |
| POLICY 4-E-4 | FLOODPROOFING OF COMMERCIAL BUILDINGS: Where commercial development is allowed by this comprehensive plan, full-height dry floodproofing is                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | POLICY <u>FLU 1.5.4</u> | FLOODPROOFING OF COMMERCIAL BUILDINGS: Where commercial development is allowed by this comprehensive plan, full-height dry floodproofing is the most desirable alternative for providing ground-level commercial space in pedestrian areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



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|               | the most desirable alternative for providing ground-level commercial space in pedestrian areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POLICY 4-E-5  | COASTAL BUILDING REGULATIONS: The town shall request state approval of an island-wide (rather than parcel-by-parcel) approach to limiting obstructions below flood elevation if this change is needed to avoid the loss of pedestrian activity near Times Square.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <del>POLICY 4-E-5</del>  | <del>COASTAL BUILDING REGULATIONS: The town shall request state approval of an island-wide (rather than parcel-by-parcel) approach to limiting obstructions below flood elevation if this change is needed to avoid the loss of pedestrian activity near Times Square.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| OBJECTIVE 4-F | REDEVELOPMENT — Take positive steps to redevelop areas that are reaching obsolescence or beginning to show blight by designing and implementing public improvements near Times Square to spur private redevelopment there, by supporting the conversion of the Villa Santini Plaza into a pedestrian precinct, by providing an opportunity for landowners to replace vulnerable mobile homes and recreational vehicles with permanent structures in the Gulfview Colony/Red Coconut area, and by providing building code relief for historic buildings.                                                                                                                                                                                                                                                                                                                                                                                     | OBJECTIVE <u>FLU 1.6</u> | REDEVELOPMENT — Take positive steps to redevelop areas that are reaching obsolescence or beginning to show blight by designing and implementing public improvements near Times Square to spur private redevelopment there, by supporting the conversion of the Villa Santini Plaza into a pedestrian precinct, by providing an opportunity for landowners to replace vulnerable mobile homes and recreational vehicles with permanent structures in the Gulfview Colony/Red Coconut area, <u>the proposed Arts and Neighborhood Districts,</u> and by providing building code relief for historic buildings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POLICY 4-F-1  | HISTORIC BUILDINGS: The protection of historic buildings is of great importance to the town, and shall be aided by implementing the policies set forth in other elements of this comprehensive plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | POLICY <u>FLU 1.6.1</u>  | HISTORIC BUILDINGS: The protection of historic buildings is of great importance to the town, and shall be aided by implementing the policies set forth in other elements of this comprehensive plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POLICY 4-F-2  | SPECIFIC REDEVELOPMENT PLANS: This comprehensive plan anticipates substantial redevelopment over the coming years. Specific concepts have been developed for three specific areas:<br>i. Times Square – The Estero Island CRA's plan for the Times Square area is reflected in this plan, bounded by the "Pedestrian Commercial" category at Times Square. Implementation of that plan will be on-going as discussed through this comprehensive plan and in accordance with the specific regulations provided in the Land Development Code. The Times Square redevelopment plan is described in Community Design Policies 3-D-1 through 3-D-13.<br>ii. Villa Santini Plaza – This area is shown as "Pedestrian Commercial" on the Future Land Use Map. Existing land uses may continue. If landowners wish to redevelop part or all of this property, the following concepts shall apply:<br>a. buildings are brought closer to the street; | POLICY <u>FLU 1.6.2</u>  | SPECIFIC REDEVELOPMENT PLANS: This comprehensive plan anticipates substantial redevelopment over the coming years. Specific concepts have been developed for <del>three specific areas</del> <u>the Gulfview Colony/Red Coconut Village, and Santini Village.</u><br>i. <del>Times Square – The Estero Island CRA's plan for the Times Square area is reflected in this plan, bounded by the "Pedestrian Commercial" category at Times Square. Implementation of that plan will be on-going as discussed through this comprehensive plan and in accordance with the specific regulations provided in the Land Development Code. The Times Square redevelopment plan is described in Community Design Policies 3-D-1 through 3-D-13.</del><br>ii. <del>Villa Santini Plaza – This area is shown as "Pedestrian Commercial" the Future Land Use Map. Existing land uses may continue. If landowners wish to redevelop part or all of this property, the following concepts shall apply:</del><br>a. <del>buildings are brought closer to the street;</del><br>b. <del>drainage has been placed underground to make room for wide sidewalks, street trees, and some on-street parking</del> |

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|  | <p>b. drainage has been placed underground to make room for wide sidewalks, street trees, and some on-street parking (once passive traffic calming activities have reduced speeding on Estero Boulevard);</p> <p>c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and</p> <p>d. off-street loading areas are provided for delivery vehicles;</p> <p>This redevelopment plan can only be accomplished through a public-private partnership as described in Community Design Policies 3-C-1 and 3-C-2.</p> <p>iii. Gulfview Colony/Red Coconut – This area is shown as “Mixed Residential” and “Boulevard” on the Future Land Use Map. If landowners wish to redevelop part or all of this property, the following concepts are encouraged, and shall form the basis for a preapproved redevelopment option in the Land Development Code:</p> <p>a. traditional neighborhood design emphasizing porches on the front; primary entrances visible from the street; and cars to the rear (except for on-street parking);</p> <p>b. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes;</p> <p>c. low-rise townhouses or apartments allowed toward the center;</p> <p>d. walkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf;</p> <p>e. substantial open space with views to be maintained from Estero Boulevard to the Gulf;</p> <p>f. mixed commercial and residential uses along the Bay side of Estero Boulevard;</p> <p>g. quiet internal street connections to the north and south;</p> <p>h. significantly reduced density from the existing level of 27 RV/mobile homes per acre at the Red Coconut to a maximum level of 15 dwelling units per acre;</p> <p>i. provision for a publicly acquired access point to the Matanzas Pass Preserve. This redevelopment plan is described in Community Design Policies 3-A-5 and 3-A- 6.</p> <p>Different redevelopment concepts that are consistent with this comprehensive plan may also be proposed</p> |  | <p><del>(once passive traffic calming activities have reduced speeding on Estero Boulevard);</del></p> <p><del>c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and</del></p> <p><del>d. off-street loading areas are provided for delivery vehicles;</del></p> <p><del>This redevelopment plan can only be accomplished through a public-private partnership as described in Community Design Policies 3-C-1 and 3-C-2.</del></p> <p>This area is shown as “Mixed Residential” and “Boulevard” the Future Land Use Map. If landowners wish to redevelop part or all of this property, the following concepts are encouraged, and shall form the basis for a pre- approved redevelopment option in the Land Development Code:</p> <p>a. traditional neighborhood design emphasizing porches on the front; primary entrances visible from the street; and cars to the rear (except for on-street parking);</p> <p>b. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes;</p> <p>c. low-rise townhouses or apartments allowed toward the center;</p> <p>d. walkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf;</p> <p>e. substantial open space with views to be maintained from Estero Boulevard to the Gulf;</p> <p>f. mixed commercial and residential uses along the Bay side of Estero Boulevard;</p> <p>g. quiet internal street connections to the north and south;</p> <p>h. significantly reduced density from the existing level of 27 RV/mobile homes per acre at the Red Coconut to a maximum level of 15 dwelling units per acre;</p> <p>i. provision for a publicly acquired access point to the Matanzas Pass Preserve. This redevelopment plan is described in Community Design Policies 3-A-5 and 3-A- 6.</p> <p><u>j. Floor area ratios shall not exceed 1.5.</u></p> <p><u>k. Residential density shall allow up to 15 dwelling units per acre for redevelopment in accordance with this section.</u></p> <p>Different redevelopment concepts that are consistent with this comprehensive plan may also be proposed for any of these areas through the planned development rezoning process.</p> |
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|  | for any of these areas through the planned development rezoning process. |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|  |                                                                          | <u>Policy FLU 1.6.3</u> | <u>WORKFORCE HOUSING DENSITY: The Town shall implement a workforce housing policy to allow additional density and building heights in the mixed-use areas. To qualify, developers shall provide a minimum of 10% of workforce housing as covenanted for a minimum of 30 years unless otherwise noted in the Land Use Designations in this Comprehensive Plan. Additional building height can be achieved as an incentive for providing workforce housing. Each mixed-use district provides the guidelines for additional building height.</u> |

# Town of FMB: Housing Element

Strikethrough: Text to be removed.

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| EXISTING       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PROPOSED                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| GOAL 12:       | To keep a wide variety of housing types available to people at all stages of their lives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | GOAL <u>HOU-1</u>        | <del>To keep a wide variety of housing types available to people at all stages of their lives.</del><br><br><u>Ensure adequate levels of attainable housing within Fort Myers Beach for residents of all ages.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| OBJECTIVE 12-A | GENERAL HOUSING STRATEGIES — Maintain or increase 1997 federal/ state funding levels for affordable housing; maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working within the town.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | OBJECTIVE <u>HOU 1.1</u> | GENERAL HOUSING STRATEGIES —<br><del>Maintain or increase 1997 federal/state funding levels for affordable housing; m</del> Maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working within the town.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POLICY 12-A-1  | The town shall pursue the following affordable housing strategies:<br>i. Provide liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources;<br>ii. Encourage a variety of housing types and cost ranges through flexible provisions in the Land Development Code (see Policy 12-C-1);<br>iii. Focus planning efforts on specific areas that are in transition, such as the near-town neighborhoods between Times Square and Bay Oaks, and reinforces the quality of existing stable neighborhoods;<br>iv. Implement an incentive-driven regulatory system and the town's new policy regarding accessory apartments (see Policy 4-C-7);<br>v. Promote revitalization of existing housing including historic structures (see specific programs in the Historic Preservation Element); and<br>vi. Assist service workers to find suitable housing on the island. | POLICY <u>HOU 1.1.1</u>  | The town shall pursue the following affordable housing strategies:<br>i. Provide liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources;<br>ii. Encourage a variety of housing types and cost ranges through flexible provisions in the Land Development Code, <u>including accessory dwelling units in single family residential areas (see Policy 12-C-1);</u><br>iii. Focus planning efforts on specific areas that are in transition, such as the near-town neighborhoods between Times Square and Bay Oaks, and reinforces the quality of existing stable neighborhoods;<br>iv. Implement an incentive-driven regulatory system <del>and the town's new policy regarding</del> <u>create and maintain policies on</u> accessory apartments, <u>pathways for hotel to condo conversions, and single family to duplex, triplex, and quadruplex as appropriate (see Policy 4-C-7);</u><br>v. <u>Provide land development codes that support and enable its aging population to remain independent and in their own home or in a non-health care environment for as long as their health allows. Development and design strategies that enable older residents to remain in their community as their housing needs</u> |

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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                         | <p><u>change allowing accessory dwelling units, such as garage apartments and “in law” suites in all residential areas and connecting residential neighborhoods to daily commercial needs by allowing mixed-income and mixed housing types to be located close to neighborhood or commercial shopping areas, civic or cultural institutions, and parks and open space areas;</u></p> <p>vi. Promote revitalization of existing housing including historic structures (see specific programs in the Historic Preservation Element); and</p> <p>vii. Assist service workers to find suitable housing on the island.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POLICY 12-A-2 | This plan's Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate the town's forecasted housing needs through build-out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | POLICY <u>HOU 1.1.2</u> | This plan's Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate the town's forecasted housing needs through build-out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POLICY 12-A-3 | <p>The town shall help provide access to affordable housing services for its residents with special attention to the needs of its low-income and “special needs” population.</p> <p>i. The town shall seek an agreement with Lee County to retain the town's standing as an eligible area for expenditures under the county's federal and state entitlement programs, provided assurances are made that town residents received a reasonable share of these expenditures over time. Unless determined to be infeasible or undesirable, the town shall enter into a cooperative agreement with Lee County before October 1998.</p> <p>ii. The town shall promote the use of public-private partnerships wherever feasible to accomplish the implementation of its housing objectives. Such partnerships could include a Downtown Redevelopment Agency, non-profit housing providers, and private developers and builders.</p> <p>iii. Encourage local lenders to provide affordable homeownership opportunities (including needed renovations) through programs such as mortgage assistance, reduced closing costs, and lower interest rates.</p> | POLICY <u>HOU 1.1.3</u> | <p>The town shall help provide access to affordable housing services for its residents with special attention to the needs of its low-income and “special needs” population.</p> <p>i. The town shall seek an agreement with Lee County to retain the town's standing as an eligible area for expenditures under the county's federal and state entitlement programs, provided assurances are made that town residents received a reasonable share of these expenditures over time. <del>Unless determined to be infeasible or undesirable, the town shall enter into a cooperative agreement with Lee County before October 1998.</del></p> <p>ii. The town shall promote the use of public-private partnerships wherever feasible to accomplish the implementation of its housing objectives. Such partnerships could include a Downtown Redevelopment Agency, non-profit housing providers, and private developers and builders.</p> <p>iii. Encourage local lenders to provide affordable homeownership opportunities (including needed renovations) through programs such as mortgage assistance, reduced closing costs, and lower interest rates.</p> |



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| POLICY 12-A-4  | The town shall strive to eliminate substandard housing conditions and improve the structural and aesthetic qualities of existing housing. The town shall identify unsafe or substandard structures and take appropriate actions to address such conditions by adopting the Standard Housing Code by 1999 and enforcing it to regulate conditions in rental housing. Emphasis shall be on renovation rather than demolition wherever possible.                                                                                                                                                                                                                                                                                                                             | POLICY <u>HOU 1.1.4</u>  | The town shall strive to eliminate substandard housing conditions and improve the structural and aesthetic qualities of existing housing. The town shall identify unsafe or substandard structures and take appropriate actions to address such conditions by adopting the Standard Housing Code <del>by 1999</del> and enforcing it to regulate conditions in rental housing. <del>Emphasis shall be on renovation rather than demolition wherever possible.</del> <u>New housing shall be built to withstand Category 4 hurricane winds and shall be designed to account for storm surges inundating the ground level of the building.</u>                                                                |
| POLICY 12-A-5  | If ever necessary, the town shall provide equitable housing for citizens who must be relocated through government action supported by federal funds consistent with Chapter 421.55 F.S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <del>POLICY 12-A-5</del> | <del>If ever necessary, the town shall provide equitable housing for citizens who must be relocated through government action supported by federal funds consistent with Chapter 421.55 F.S.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POLICY 12-A-6  | The town shall update this element using a state-approved methodology after census data for the year 2000 is available and no later than the town's next scheduled evaluation and appraisal report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | POLICY <u>HOU 1.1.5</u>  | The town shall update this element using a state-approved methodology after census data for the year <del>2000</del> <u>2020</u> is available and no later than the town's next scheduled evaluation and appraisal report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| OBJECTIVE 12-B | NEIGHBORHOOD-SPECIFIC HOUSING STRATEGIES — This plan's vision for revitalized and stable neighborhoods shall guide neighborhood-specific strategies to upgrade the housing stock and maintain a wide range of housing types and costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | OBJECTIVE <u>HOU 1.2</u> | NEIGHBORHOOD-SPECIFIC HOUSING STRATEGIES — This plan's vision for revitalized and stable neighborhoods shall guide neighborhood-specific strategies to upgrade the housing stock and maintain a wide range of housing types and costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POLICY 12-B-1  | DOWNTOWN (TIMES SQUARE) — Promote new construction and rehabilitation of existing structures for compact moderate-priced housing on Crescent Street consisting of multi-family units of various sizes, targeted for year-round occupancy for persons who wish to live or work downtown, through:<br>i. The regulatory framework and incentives provided through the redevelopment overlay zone;<br>ii. Activities of a Downtown Redevelopment Agency (if established, see Community Design Element Policy 3-D-1) such as land assembly, provision of infrastructure (drainage, sidewalks, streetscape, undergrounding of utilities etc), and low-interest revolving loans.<br>iii. Other measures to encourage residential uses over retail throughout the downtown area. | POLICY <u>HOU 1.2.1</u>  | DOWNTOWN (TIMES SQUARE) — Promote new construction and rehabilitation of existing structures for compact moderate-priced housing <del>on Crescent Street</del> consisting of multi-family units of various sizes, targeted for year-round occupancy for persons who wish to live or work downtown, through:<br>i. <del>The regulatory framework and incentives provided through the redevelopment overlay zone;</del><br>ii. <del>Activities of a Downtown Redevelopment Agency (if established, see Community Design Element Policy 3-D-1) such as</del> land assembly, provision of infrastructure (drainage, sidewalks, streetscape, undergrounding of utilities etc), and low-interest revolving loans. |



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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                         | <ul style="list-style-type: none"> <li>iii. Other measures to encourage residential uses <del>over</del> <u>along with</u> retail throughout the downtown area.</li> <li>iv. <u>Incentive programs within the code which provides for development benefits in exchange for 30-year agreements for affordable/attainable housing, and for year-round occupancy.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POLICY 12-B-2 | <p>HEART OF THE ISLAND – CIVIC CENTER — Promote the revitalization of the School Street (see Community Design Policy 3-A-4) as a walkable palm-lined street of restored and infill cottages for residential use, live-work spaces such as studios or galleries, and small-scale specialty retail uses consistent with the historic theme with retail on the ground floor and residential above.</p> <ul style="list-style-type: none"> <li>i. Prepare regulations that would allow a compatible mix of uses and would ease setback and parking requirements to accommodate the unique needs of renovations of existing and move-on cottages.</li> <li>ii. Provide architectural and design guidelines which illustrate cost-effective rehabilitation techniques consistent with the historic theme.</li> <li>iii. In partnership with the Estero Island Historic Society, seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.</li> </ul> | POLICY <u>HOU 1.2.2</u> | <p>HEART OF THE ISLAND – CIVIC CENTER — Promote the revitalization of the <u>area</u> <del>School Street (see Community Design Policy 3-A-4)</del> as a walkable palm-lined street of restored and infill cottages for residential use, <u>housing to age in place</u>, live-work spaces <del>such as studios or galleries</del>, and small-scale specialty retail uses consistent with the historic theme with retail on the ground floor and residential above.</p> <ul style="list-style-type: none"> <li>i. Prepare regulations that would allow a compatible mix of uses and would ease setback and parking requirements to accommodate the unique needs of renovations of existing and move-on cottages.</li> <li>ii. Provide architectural and design guidelines which illustrate cost-effective rehabilitation techniques consistent with the historic theme.</li> <li>iii. <del>In partnership with the Estero Island Historic Society,</del> Seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.</li> </ul> |
| POLICY 12-B-3 | <p>RED COCONUT/GULFVIEW COLONY AREA — Support the continued use of the Red Coconut/Gulfview Colony area (see Community Design Policy 3-A-5) as a pleasant home for visitors and long-term residents, and provide a pre-approved option for redevelopment as a traditional neighborhood with a variety of housing types.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | POLICY <u>HOU 1.2.3</u> | <p>RED COCONUT/GULFVIEW COLONY AREA — Support the continued use of the Red Coconut/Gulfview Colony area <del>(see Community Design Policy 3-A-5)</del> as a pleasant home for visitors and long-term residents, and provide a pre-approved option for redevelopment as a <u>traditional mixed-use</u> neighborhood with a variety of housing types.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POLICY 12-B-4 | <p>NEAR-TOWN NEIGHBORHOODS — Revitalize the older near-town residential areas using traditional neighborhood techniques for renovations and infill (see Community Design Policy 3-B-1), using methods such as:</p> <ul style="list-style-type: none"> <li>i. Modify current regulations that have proven to be barriers to redevelopment.</li> <li>ii. Encourage the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety.</li> <li>iii. Permit quiet home offices (and possibly other mixed uses as determined appropriate).</li> </ul>                                                                                                                                                                                                                                                                                                                                               | POLICY <u>HOU 1.2.4</u> | <p><del>NEAR-TOWN NEIGHBORHOODS PRESERVATION</del> — Revitalize the older <del>near-town</del> residential areas using <del>traditional neighborhood</del> <u>smart-growth</u> techniques for renovations and infill <del>(see Community Design Policy 3-B-1),</del> using methods such as:</p> <ul style="list-style-type: none"> <li>i. Modify current regulations that have proven to be barriers to redevelopment.</li> <li>ii. Encourage the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|                | <p>iv. Protect residential areas from intrusion by poorly regulated shortterm rentals.</p> <p>v. Provide access to federal and state housing programs available to income qualifying owners through Lee County's programs.</p> |                          | <p>iii. Permit quiet home offices (and possibly other mixed uses as determined appropriate).</p> <p>iv. Protect residential areas from intrusion by poorly regulated short-term rentals.</p> <p>v. Provide access to federal and state housing programs available to income- qualifying owners through Lee County's programs.</p> <p>vi. <u>Promote compact, walkable, neighborhoods that serve the diverse needs of both visitors and residents.</u></p> <p>vii. <u>Provide for redevelopment of single-family dwellings to multifamily dwellings in the form of duplex, triplex, and quadruplexes, provided the facade is visually consistent with surrounding development.</u></p> |
| OBJECTIVE 12-C | <p>REVISE THE CURRENT REGULATORY SYSTEM — Complete a thorough revision of the town's land development regulations by the end of 1999 to provide clear and consistent rules for development and redevelopment.</p>              | OBJECTIVE <u>HOU 1.3</u> | <p>REVISE THE CURRENT REGULATORY SYSTEM — <del>Complete a thorough revision of t</del>The town's land development regulations <del>by the end of 1999 to</del> <u>shall</u> provide clear and consistent rules for <u>housing</u> development and redevelopment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| POLICY 12-C-1  | The town's zoning and development regulations shall allow a variety of lot sizes, densities, and housing types.                                                                                                                | POLICY <u>HOU 1.3.1</u>  | The town's zoning and development regulations shall allow a variety of lot sizes, densities, and housing types.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POLICY 12-C-2  | Implement the town's new policy on accessory apartments in residential neighborhoods and include standards by which to measure compliance.                                                                                     | POLICY <u>HOU 1.3.2</u>  | <del>Implement t</del> The town's land development regulations <del>new policy on</del> <u>shall provide for attached and detached accessory dwelling units</u> <del>apartments</del> in residential neighborhoods and include standards by which to measure compliance. <u>Where permitted, the Town shall set specific standards and conditions regarding the design, size and occupancy, among other conditions as necessary, to ensure quality development and maintenance of neighborhood standards as appropriate.</u>                                                                                                                                                          |
| POLICY 12-C-3  | Adopt the Standard Existing Buildings Code by 1999 (see Historic Preservation Policy 13-B-6).                                                                                                                                  | POLICY <u>HOU 1.3.3</u>  | <del>Adopt</del> <u>Update/Revise</u> the Standard Existing Buildings Code <del>by 1999 (see Historic Preservation Policy 13-B-6).</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POLICY 12-C-4  | The land development regulations shall include measures to implement Chapter 419 F.S. about the proper siting of group homes and foster care facilities.                                                                       | POLICY <u>HOU 1.3.4</u>  | The land development regulations shall include measures <u>for</u> <del>to implement Chapter 419 F.S. about</del> the proper siting of group homes and foster care facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POLICY 12-C-5  | Consider (and implement as feasible) various methods to reduce the cost of constructing or rehabilitating housing, such as:                                                                                                    | POLICY <u>HOU 1.3.5</u>  | <del>12-C-5—</del> Consider (and implement as feasible) various methods to reduce the cost of constructing or rehabilitating housing, such as:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

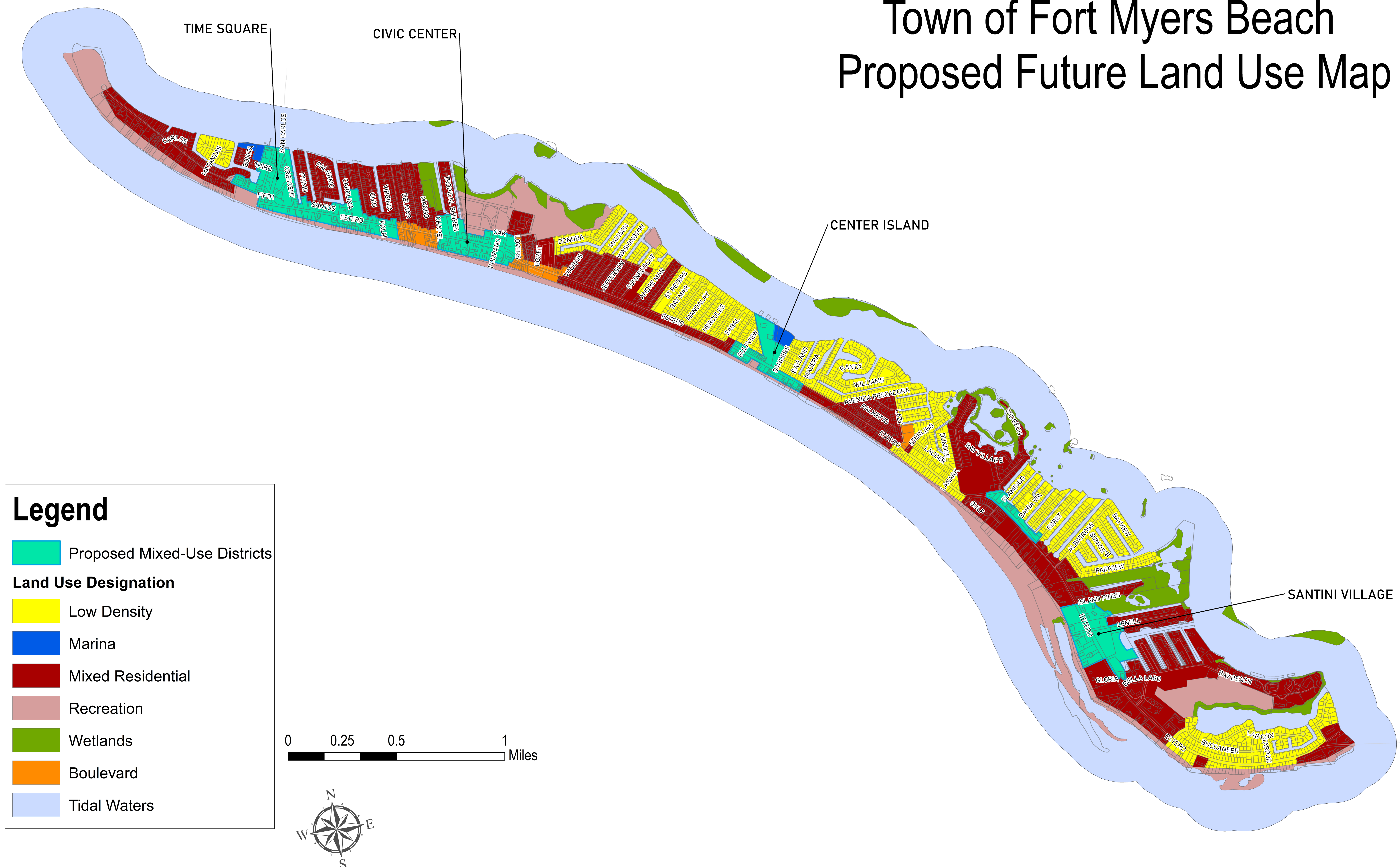
|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <p>i. adjusting impact fee schedules so that small units or housing designed for island employees would pay less than larger housing units;</p> <p>ii. supporting DCA's new "residential construction mitigation program" to help lower-income residents retrofit their homes to increase their safety and protect their investments before a disaster occurs using low-interest loans or grants;</p> <p>iii. considering a bonus system to allow densities above what is normally allowed if reserved for housing in a price range affordable by low- or moderate-income residents; or</p> <p>iv. relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.</p> |                          | <p>i. adjusting impact fee schedules so that small units or <u>affordable or workforce housing designed for island employees</u> would pay less than larger housing units;</p> <p>ii. <del>supporting DCA's new "residential construction mitigation program" to help lower-income residents retrofit their homes to increase their safety and protect their investments before a disaster occurs using low-interest loans or grants;</del></p> <p>iii. <del>considering</del> Utilize a bonus system <u>land with mixed-use designation</u> to allow densities above what is normally allowed if reserved for housing in a price range affordable by low- or moderate-income residents; or</p> <p>iv. <del>relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.</del></p> <p>v. <u>Expediting permitting and reduction of permitting fees</u></p> |
| OBJECTIVE 12-D | HISTORICALLY SIGNIFICANT HOUSING — Retain at least 90% of the town's historically significant housing for residential uses (or appropriate adaptive re-uses).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | OBJECTIVE <u>HOU 1.4</u> | HISTORICALLY SIGNIFICANT HOUSING — Retain <del>at least 90% of</del> the town's historically significant housing <u>where appropriate</u> for residential uses (or appropriate adaptive re-uses).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POLICY 12-D-1  | The town shall maintain the inventory of historic structures contained in the Historic Preservation Element.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | POLICY <u>HOU 1.4.1</u>  | The town shall maintain the inventory of historic structures contained in the Historic Preservation Element.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POLICY 12-D-2  | The town, in cooperation with the Estero Island Historic Society, will assist owners of historically significant housing in locating funds to restore or rehabilitate their homes. Assistance may be provided to move buildings if there is no other option to save the home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | POLICY <u>HOU 1.4.2</u>  | The town, in cooperation with the Estero Island Historic Society, will assist owners of historically significant housing in locating funds to restore or rehabilitate their homes. Assistance may be provided to move buildings if there is no other option to save the home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POLICY 12-D-3  | The town shall consider other incentives to encourage renovation of historic structures, as detailed in the Historic Preservation Element. Such incentives could include property tax relief, transfer of development rights, and below-market interest rate loans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | POLICY <u>HOU 1.4.3</u>  | The town shall consider other incentives to encourage renovation of historic structures, as detailed in the Historic Preservation Element. Such incentives could include property tax relief, transfer of development rights, and below-market interest rate loans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|  |  |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--|--|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <u>OBJECTIVE HOU 1.5</u> | <u>HOUSING AFFORDABILITY AND ATTAINABILITY -- The Town shall develop programs to incentivize the construction and development of affordable housing.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  |  | <u>POLICY HOU 1.5.1:</u> | <u>The Town will implement an inclusionary zoning ordinance to require construction of affordable housing with new residential construction in its designed activity centers.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|  |  | <u>POLICY HOU 1.5.2</u>  | <p><u>The Town shall continue to review financial and other incentives to assist the private sector in the provision of workforce housing including, but not limited to:</u></p> <ul style="list-style-type: none"> <li>• <u>Temporary decreases in property tax assessment</u></li> <li>• <u>Density bonuses</u></li> <li>• <u>Tax increment financing (TIF)</u></li> <li>• <u>Municipal land agreements (land banking and land swapping or conveyance, or rental of land)</u></li> <li>• <u>Application fee reductions</u></li> <li>• <u>Other financing that incentivizes the development of affordable and workforce housing</u></li> </ul> |
|  |  | <u>POLICY HOU 1.5.3</u>  | <u>The Town shall expedite the processing of building permits for Affordable, Attainable and Workforce Housing Units.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|  |  | <u>POLICY HOU 1.5.4</u>  | <u>The Town shall allow reduced parking requirements for affordable and workforce housing.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  |  | <u>POLICY HOU 1.5.5</u>  | <u>The Town shall consider the creation of pre-approved designs for workforce housing in order to reduce development costs for such developments.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  |  | <u>POLICY HOU 1.5.6</u>  | <u>The Town shall continue to maintain an inventory of Town owned property available for use as affordable housing as required by Florida Statutes.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|  |  | <u>POLICY HOU 1.5.7</u>  | <u>The Town will work with private and public sector partners to acquire vacant parcels and construct new single-family</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|  |  |                           |                                                                                                                                                                                                                                                                                                                                                                                                      |
|--|--|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |                           | <u>homes for very-low- income, and low income households that are first-time home buyers.</u>                                                                                                                                                                                                                                                                                                        |
|  |  | <u>POLICY HOU 1.5.8</u>   | <u>The Town will consider assembling city-owned vacant lots or the development of a community land trust for affordable housing development.</u>                                                                                                                                                                                                                                                     |
|  |  | <u>POLICY HOU 1.5.9</u>   | <u>The City shall periodically evaluate minimum unit sizes in its land development regulations to determine impact on housing attainability and amend regulations as needed to enhance local housing availability and affordability.</u>                                                                                                                                                             |
|  |  | <u>POLICY HOU 1.5.10:</u> | <u>To preserve diversity of housing and to prevent over proliferation of undersized units on the basis of affordable or workforce housing, the Town will limit the number of microunits, defined as units between 250 and 500 square feet in size, to 15% maximum of all multifamily developments.</u>                                                                                               |
|  |  | <u>POLICY HOU 1.5.11</u>  | <u>The Town shall incorporate into its code as workforce dwelling bonuses to development, auxiliary dwellings, residential dwellings in commercial spaces, into land development regulations for affordable and workforce housing in commercial zones of the Town.</u>                                                                                                                               |
|  |  | <u>POLICY HOU 1.5.12</u>  | <u>The Town shall incorporate into its land development regulations provisions for conversion of underutilize office space into workforce housing. The Town will encourage form-based zoning in commercial, transient residential, and mixed-use areas of the Town to provide for conversions for additional housing by adopting such regulations into its land development regulations by 2025.</u> |



# Town of Fort Myers Beach Proposed Future Land Use Map



## Legend

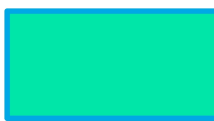
- Proposed Mixed-Use Districts

### Land Use Designation

- Low Density
- Marina
- Mixed Residential
- Recreation
- Wetlands
- Boulevard
- Tidal Waters



# Legend


Proposed Mixed-Use Districts

**Land Use Designation**


Low Density

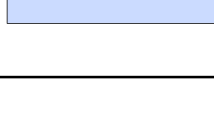

Marina

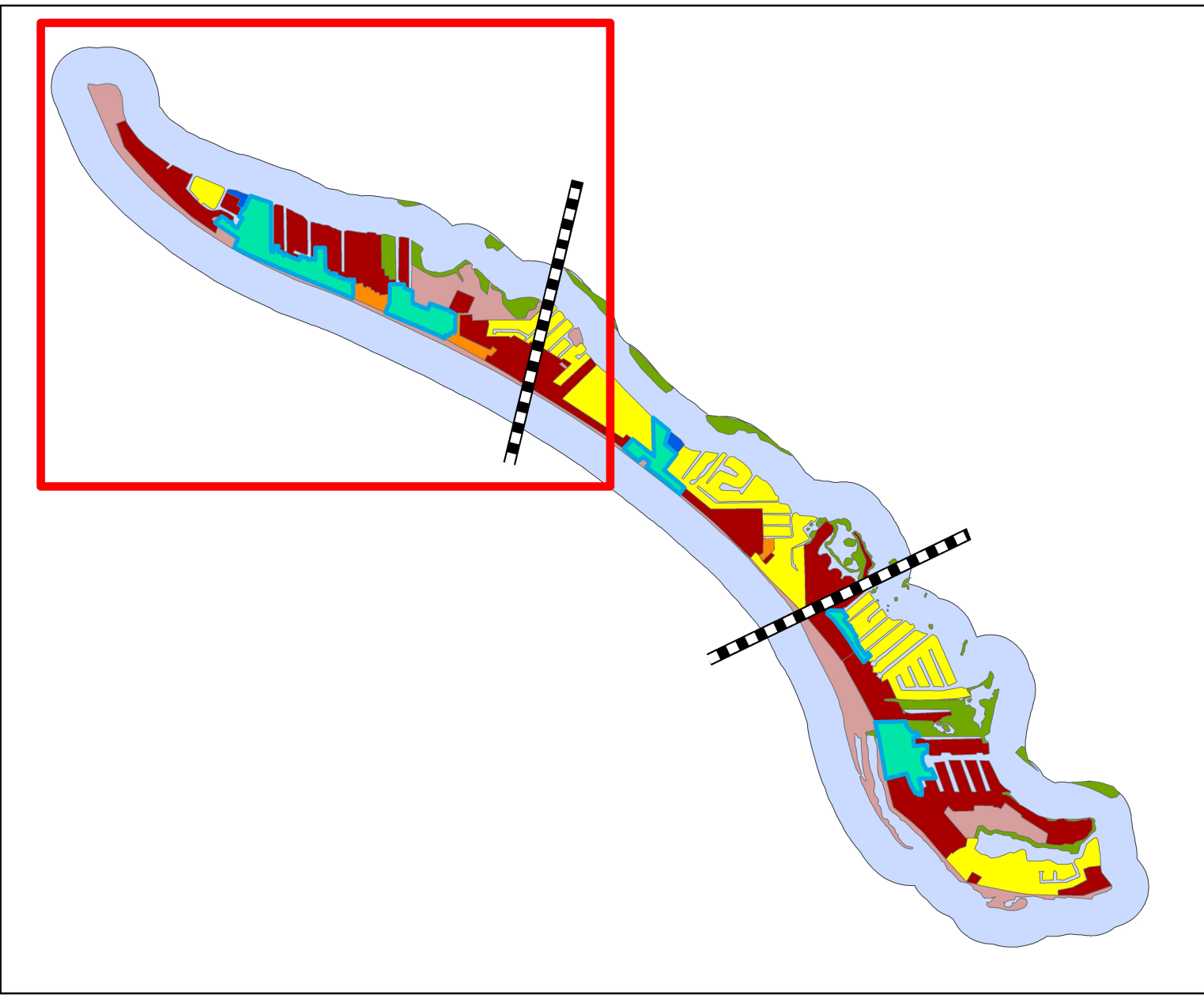
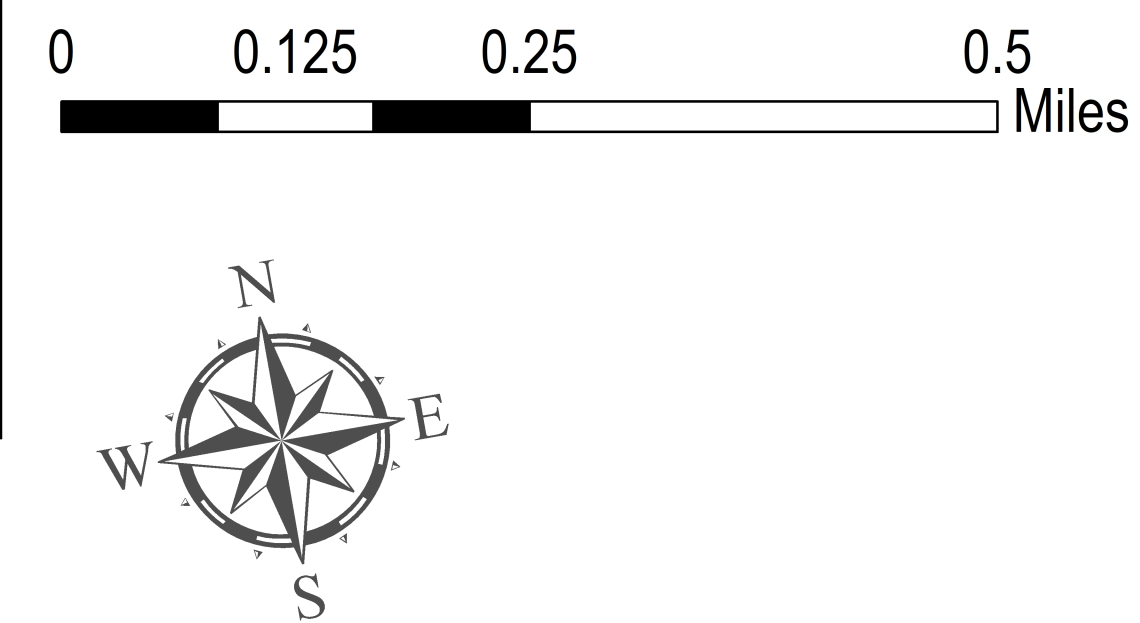

Mixed Residential


Recreation

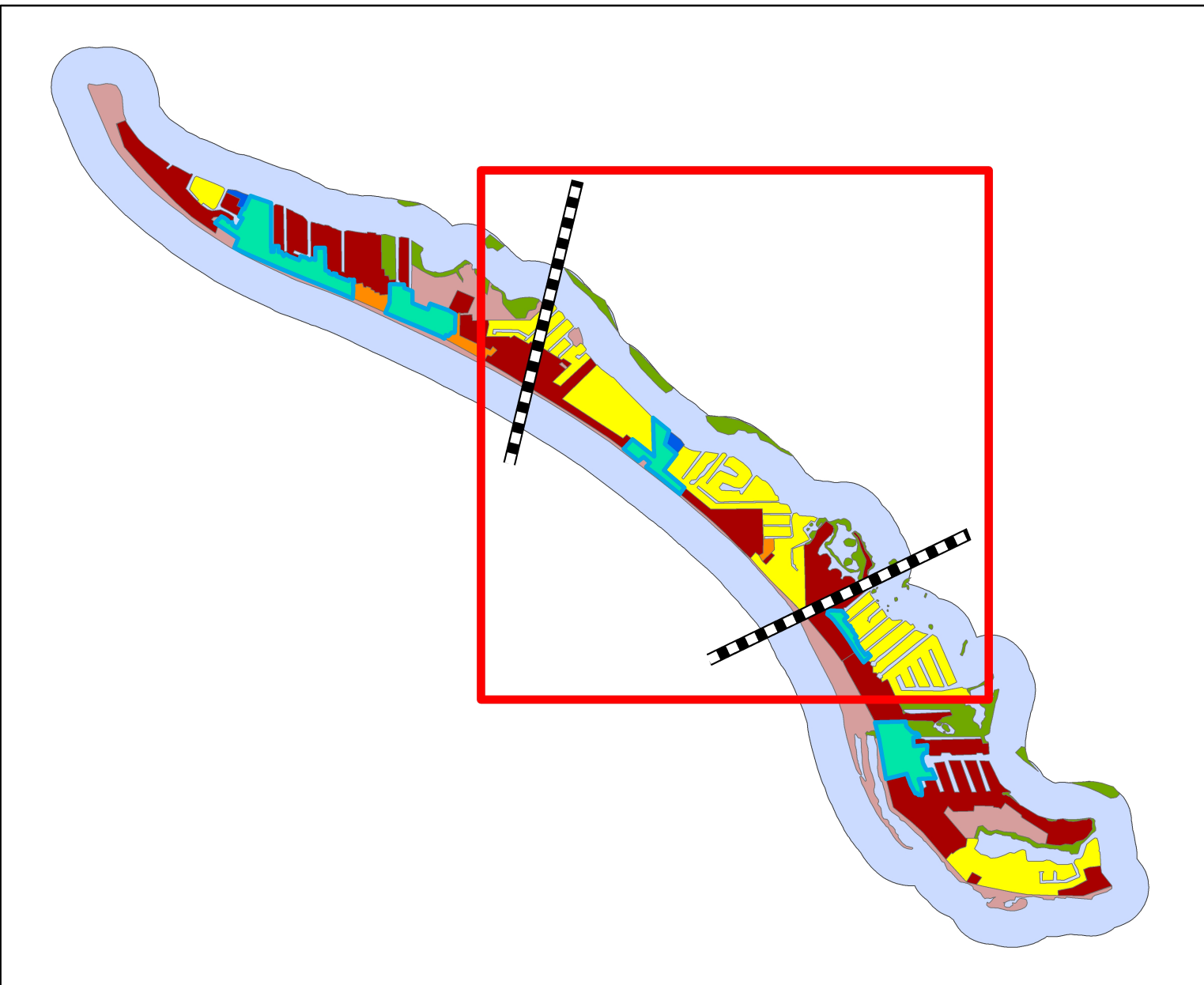
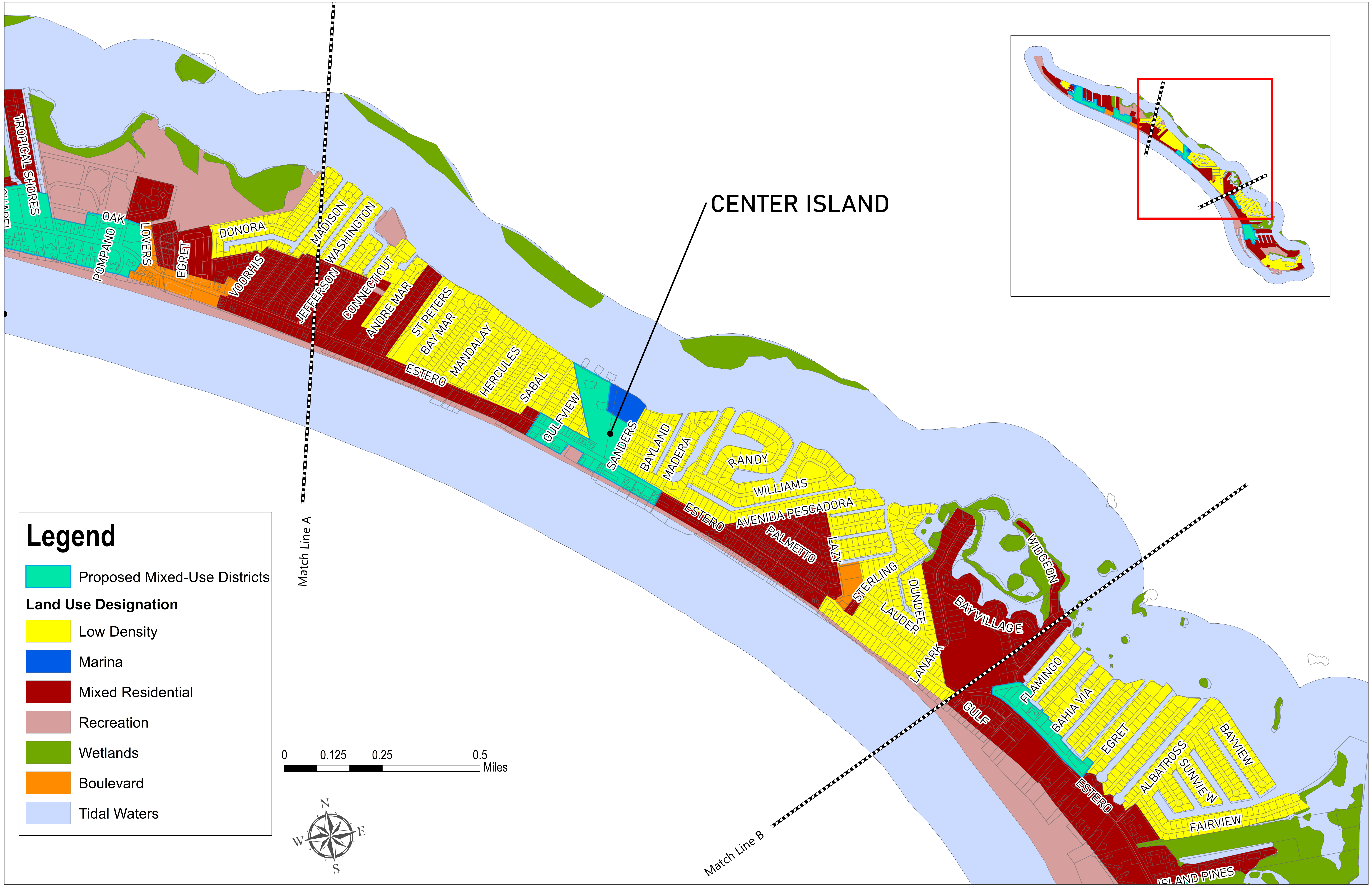

Wetlands


Boulevard


Tidal Waters





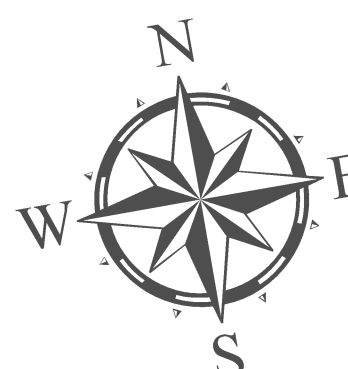
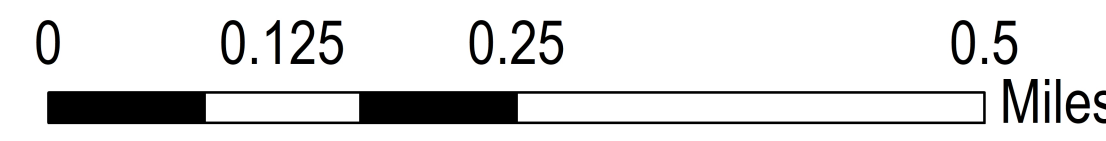


### Legend

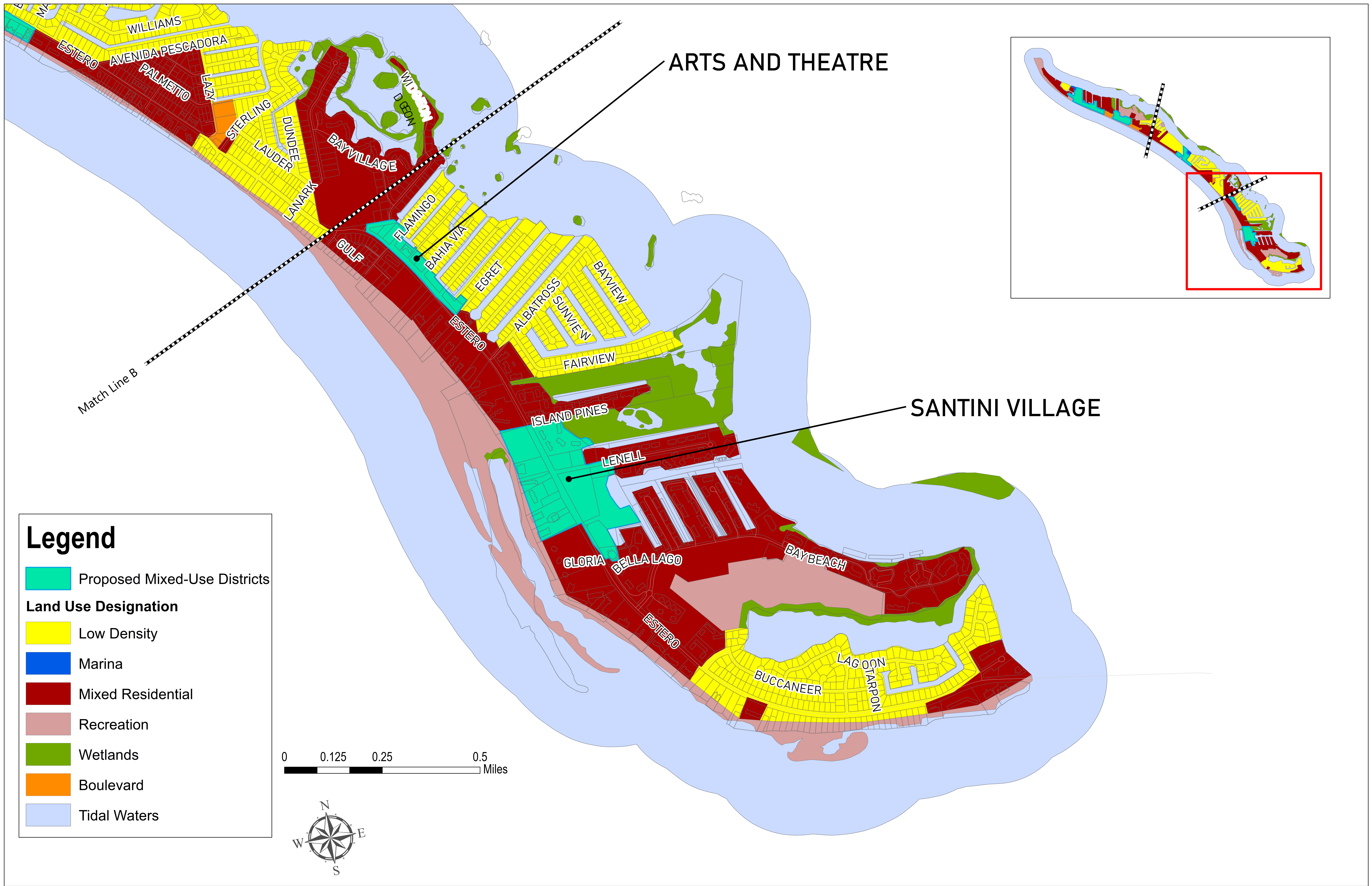
- Proposed Mixed-Use Districts

**Land Use Designation**

- Low Density
- Marina
- Mixed Residential
- Recreation
- Wetlands
- Boulevard
- Tidal Waters







ARTS AND THEATRE

SANTINI VILLAGE

# Legend

- Proposed Mixed-Use Districts
- Land Use Designation
  - Low Density
  - Marina
  - Mixed Residential
  - Recreation
  - Wetlands
  - Boulevard
  - Tidal Waters

0 0.125 0.25 0.5 Miles

