Fort Myers Beach Local Planning Agency

Bay Oaks Recreation Center
2731 Oak Street
Fort Myers Beach, FL 33931

Agenda **Tuesday, February 13, 2024** **9:00 AM**

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. January 9, 2024 LPA minutes

V. PUBLIC COMMENT

VI. PUBLIC HEARINGS

A. SEZ20230302, COP for 450 Harbor Court

Staff request for a continuance to a date uncertain, SEZ20230302 for COP Rude Shrimp at 450 Harbor Court

B. SEZ 20230226, Pink Shell Resort beach and pool amenities in the EC zoning district.

Staff is requesting a continuance to a date uncertain, for SEZ20230226 for The Pink Shell Resort located at 275/322, 200, and the common element of 192 Estero Blvd.

C. Ordinance 24-03; Flood Ordinance

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO 1) REQUIRE ALL MANUFACTURED HOMES INSTALLED OR REPLACED IN SPECIAL FLOOD HAZARD AREAS TO BE ELEVATED AT OR ABOVE AT LEAST THE BASE FLOOD ELEVATION PLUS 1 FOOT; 2) ADOPT THE NOVEMBER 17, 2022 FLOOD INSURANCE STUDY FOR LEE COUNTY FLORIDA AND INCORPORATED AREAS; 3) CHANGE TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; AND 4) AMEND THE DEFINITIONS OF MARKET VALUE AND SUBSTANTIAL DAMAGE, IN ORDER TO COMPLY WITH RECENT CHANGES TO THE COMMUNITY RATING SYSTEM NECESSARY TO RETAIN A CLASS 8,

WHICH ASSIST THE TOWN IN MAINTAINING ITS CLASS 5 COMMUNITY RATING SYSTEM DESIGNATION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

D. Resolution 23-190; VAR20230162, 21391 Widgeon Terrace

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

E. Resolution 24-09; VAR20230288, 8069 Estero Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230288, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 8069 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

F. Resolution 24-20; VAR20230284, 65 Flamingo St

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230284, REQUESTING A VARIANCE FROM TABLE 34-3 PRINCIPAL STRUCTURE SETBACKS, TO DECREASE THE FRONT STREET SETBACK BY 10 FEET AND DECREASE THE REAR SETBACK BY 15 FEET AND DECREASE THE REAR STREET SETBACK BY 15 FEET, TO ALLOW A NEW SINGLE FAMILY HOME FOR THE PROPERTY AT 65 FLAMINGO STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

G. Land Development Code (LDC) / Comprehensive Plan (Comp Plan) Updates

Comp Plan Elements

VII. ADMINISTRATIVE AGENDA

VIII. LPA MEMBERS ITEMS/REPORTS

IX. LPA ATTORNEY ITEMS/REPORTS

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

XI. ITEMS FOR NEXT MONTHS AGENDA

XII. ADJOURNMENT

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

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.

Fort Myers Beach Local Planning Agency

Bay Oaks Recreational Center
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes **Tuesday, January 9, 2024** **9:00 AM**

ORDER OF BUSINESS

DRAFT

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Boan, LPA Member Eckmann, LPA Member Plummer, LPA Member Safford, LPA Member Sudduth (virtually) and LPA Member Vanasse.

LPA Member Plummer moved to approve LPA Member Sudduth's participation virtually; seconded by LPA Member Boan.
The motion carried unanimously.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Local Planning Agency - December 19, 2023

LPA Member Vanasse moved to approve the minutes; seconded by LPA Member Eckmann.
The motion carried unanimously.

V. PUBLIC COMMENT

Dale and Jay Bonnema, residents, commented on the noise at the Rude Shrimp bar in the commercial marina zone and the lack of enforcement. He stated there was no reason to grant them a variance. He asked if the LPA would grant him a special exception to rent their beachfront lots to RVs to help their business.
Phil Teal, resident, stated that Moss Marina used to be quiet until the Rude Shrimp moved into his residential neighborhood. He commented that the music was too loud and that it was just a bar with music. He indicated he heard music from inside his house with the windows closed and noted the speakers were directed toward the houses. He added that the area was not zoned for bars and music.

Late comment from the end of the meeting - Ben Freeland from Moss Marina stated that he would address the Rude Shrimp issue and talk to the neighbors to work something out.

VI. PUBLIC HEARINGS

Town Clerk Baker stated that all items had been properly advertised. LPA Member Vanasse reported a conflict of interest, and he submitted his disclosure form regarding Item B. Town Clerk Baker swore in those providing testimony. Attorney Sarah Spector, Certified Planner Ken Delander, Engineer Brandon Frey, Engineer Elizabeth Fountain, and Coastal Engineer Brett Moore were all approved as qualified experts by the LPA.

A. SEZ 20230302 to request a special exception for COP, 450 Harbor Ct

Recommended by staff for a continuance to February 13, 2024 of SEZ20230302 for COP at 450 Harbor Court

Ex parte communications: LPA Member Vanasse spoke to the applicant. No disclosures from other members. Community Development Planner Sarah Propst recommended continuance of the case due to the lack of an adequate application. LPA Member Vanasse recommended that the LPA not hear public comments on the issue since the staff has not presented and the applicant was not in attendance to address issues. Town Attorney Stuparich commented that it was up to the discretion of LPA members.

Public comment:

Dale and Jay Bonnema, residents, questioned why the case was even on the agenda. He stated they had been in violation for months and asked why they were allowed to keep violating the rules. He indicated that he did not know what to do and his health was suffering due to the stress of the situation. He asked that the town stop the music. Public comment closed.

LPA Member Vanasse moved to continue the case to the February 12, 2024, LPA meeting; seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

B. DCI Rezoning 20230160, 1301 Estero Blvd.

A CPD with deviations for the redevelopment of a convenience store at 1301 Estero Blvd.

No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. LPA Member Eckmann commented that the plans were a vast improvement. Planner Propst noted they were providing eight parking spaces.

Ken Delander utilized PowerPoint for his presentation. Slides included the Project Team; Presentation Overview; Background & Request; Aerial Photo pre-Ian; Rezoning; Subject Property; Discussion & Analysis; Master Concept Plan; Findings & Conclusion; Architectural Elevations; Architectural Rendering; Findings & Conclusion continued and Deviations.

He stated the narrative in the packet had been updated to acknowledge comments and clarify details. Mr. Delander provided a copy of the updated narrative to Town Clerk Baker for the record. He displayed initial concept murals.

No public comment.

LPA Member Eckmann moved to accept the staff recommendation with the conditions of approval and the seven deviations; seconded by LPA Member Plummer.
The motion carried unanimously by roll call vote with LPA Member Vanasse recused.

C. VAR20230233, 11 Palmview Blvd.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230233, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 11 PALMVIEW BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. Ex parte communications: LPA Member Safford communicated with Paula Kiker and Chuck Bodenhafer. No disclosures from other members.
Planner Propst reviewed the background of the request as stated on the yellow sheet.
Robbie Robinson, applicant, stated this has been going on for over three years and was a nightmare. He explained that the town approved the pool and equipment, but the final inspection was denied. He indicated his neighbor did not object to the location of the equipment or pool.
Public comment:
Chuck Bodenhafer, resident, supported the request.
Dale Snow, resident, supported the approval of the request on behalf of the neighborhood.
Public comment closed.

LPA Member Eckmann moved to approve the request subject to conditions recommended by staff; seconded by LPA Member Plummer.
The motion carried unanimously by roll call vote.

D. VAR20230299, 122 Falkirk St.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230299, A VARIANCE FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED STREET SETBACK BY 11 FEET FROM THE REQUIRED 25 FEET, IN THE RS ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 122 FALKIRK STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted the proposed location would have the least impact on adjacent properties.

Heidi Cawood, applicant, requested to build a 400 sq. ft. elevated approved structure for storage downstairs. She noted that the home would be rented for part of the year and intended to keep the large trees on the property.

No public comment.

LPA Member Eckmann moved to approve the request with the conditions in the staff approval; seconded by LPA Vanasse.

The motion carried unanimously by roll call vote.

E. SEZ20230278, 7400 Estero Blvd

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230278 TO ALLOW RECONSTRUCTION OF A POOL DECK, WALKWAYS, AND FENCE, IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 7400 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Chair Cereceda read the title of the resolution. No ex-parte communications were disclosed.

Planner Propst reviewed the background of the request as stated on the yellow sheet. She noted they were proposing a reduction of what was there before Ian.

Miles Laguard represented the applicant and noted they were putting back everything that was destroyed.

No public comment.

LPA Member Eckmann moved to accept the staff recommendation subject to conditions of approval; seconded by LPA Member Boan.

The motion carried unanimously by roll call vote.

F. SEZ20230226, Pink Shell Resort Pool and Beach Amenities

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

Ex parte communications: LPA Member Plummer - site visit and spoke to workers; LPA Member Vanasse - talked to the applicant and attorney regarding public comments and Chair Cereceda - emailed staff regarding public comments. No disclosures by other members. Town Attorney Stuparich read the title of the resolution.

Planner Propst reviewed the special exception request and noted the applicant requested a continuance regarding recent concerns. LPA Member Plummer stated that many pavers had been set and a pool was completely redone. She asked Planner Propst to check whether permits were pulled.

Planner Propst replied that not all pools were within the EC zone and did not need a special exception.

Attorney Sarah Spector from Roetzel & Andress represented the applicant and requested a continuance to address the concerns. She stated the pavers and pool were not forward of the CCCL (Coastal Construction Control Line) and did not need a special exception.

Bill Waichulis represented the applicants and stated that the work being done was on the seaward side. He noted the beach access that went through the middle of the resort was closed because it was unsafe; however, the other two accesses were open. He acknowledged he had received concerns and stated he would work with the neighbors before the next hearing.

Public comment:

Richard Rowe, President of Vacation Villa, thanked members for allowing the continuance and questioned why it was being processed. He also thanked them for passing Ordinance 23-13 regarding repairs to existing pools ahead of the CCCL. He commented on the additional lawn area and more chickee huts, which would increase the noise.

Holly Baggett, resident, stated that the owners removed all the vegetation to expand the event lawn area. She noted that she did not receive a postcard regarding the hearing.

Public comment closed.

LPA Member Vanasse moved to continue the hearing to February 13, 2024; seconded by LPA Member Plummer.

The motion carried unanimously by roll call vote.

VII. ADMINISTRATIVE AGENDA

No items.

VIII. LPA MEMBERS ITEMS/REPORTS

LPA Members Plummer and Eckmann requested excused absences for the joint LPA and Town Council meeting on January 11, 2024.
LPA Member Sudduth will participate virtually on January 11, 2024.
Chair Cereceda discussed the complaints regarding the Rude Shrimp noise and the perception that they were getting away with breaking the rules while others had to follow the rules. She asked that more microphones be provided, so everyone could hear meetings.

No items from other members.

IX. LPA ATTORNEY ITEMS/REPORTS

No items.

X. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Propst hoped the Comprehensive Plan would be on the next agenda.

XI. ITEMS FOR NEXT MONTHS AGENDA

No items.

XII. ADJOURNMENT

LPA Member Plummer moved to adjourn; seconded by LPA Member Vanasse. The motion carried unanimously.

The meeting was adjourned at 11:04 a.m.

DRAFT

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-1410**

Meeting Date: February 13, 2024

1. **Requested Motion:**

Staff request for a continuance to a date uncertain, SEZ20230302 for COP Rude Shrimp at 450 Harbor Court

Why the action is necessary:

The hearing was continued to this hearing date, however, the case is not ready to be heard.

What the action accomplishes:

Allows the agenda item to move to a hearing when it is ready.

2. **Agenda:**

PUBLIC HEARINGS

3. **Requirement/Purpose:**

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5. **Background:**

A letter of insufficiency was provided to the applicant, following receipt of the application documents. Staff is awaiting a resubmittal for adequate information to process the request for a special exception for consumption on premises. The continuance will be to a date uncertain and the case will be re-noticed when it is brought to the LPA again.

Attachments:

1. LPA postcard 450 Harbor Ct

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

_____ Date: February 08, 2024
Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024
Amy Baker, Town Clerk

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.

TIME: 9 AM
DATE: LPA January 9, 2023 and Town Council January 22,2023
CASE: SEZ20230302
ADDRESS: 450 Harbor Ct
APPLICANT: Lisa Lahners
REQUEST: The applicant is requesting a special exception for a consumption on premises.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-1406**

1. **Requested Motion:** **Meeting Date: February 13, 2024**

Staff is requesting a continuance to a date uncertain, for SEZ20230226 for The Pink Shell Resort located at 275/322, 200, and the common element of 192 Estero Blvd.

Why the action is necessary:
The January 9th LPA hearing was continued to the February 13th LPA hearing.

What the action accomplishes:
Continuing to a date uncertain will allow the applicant and staff time to coordinate prior to coming back to the LPA. The case will be renoticed in advance of the hearing.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

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5. **Background:**
JABO LLC, owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian. The continuance is requested to allow additional time to resolve issues regarding the proposed relocation of the easement.

Attachments:
1. Resolution 24-13 Pink Shell Accessory in EC
2. Staff Report
3. Exhibit A Site Plan Showing Dune
4. Exhibit B Pamphlet showing tikis
5. Exhibit C LPA postcard
6. Exhibit D SEZ Application

Financial Impact:
unknown

6. **Alternative Action**
Deny request

7. **Staff Recommendations:**
Recommend approval

8. **Recommended Approval:**

_____ Date: February 08, 2024
Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024
Amy Baker, Town Clerk

RESOLUTION NUMBER 24-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING WITH CONDITIONS SPECIAL EXCEPTION SEZ20230226 TO ALLOW RECONSTRUCTION OF A POOL DECK, CABANAS, FENCE, IRRIGATION SYSTEM AND CHICKEE HUTS IN THE ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT, WITH CONDITIONS, FOR THE PROPERTY LOCATED AT 275/322, 200, AND THE COMMON ELEMENT OF 192 ESTERO BOULEVARD; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, applicants Jabo LLC and Captiva Villas Development LLC is requesting a special exception for the reconstruction of major accessory structures that were destroyed during hurricane Ian, including a pool deck, walkways, and a fence in the Environmentally Critical zoning district; and

WHEREAS, the STRAP number for the subject property is 24-46-23-W1-00700.0340 (275/322 Estero blvd), 24-46-23-W1-00700.037A (Captiva Villas C/E), 24-46-23-W1-00700.0330 (200 Estero blvd);

WHEREAS, the Property is located in the “Recreation” category of the Future Land Use Map of the Comprehensive Plan and the “Environmentally Critical” zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on January 9, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-88 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on January 22, 2024 the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by Section 34-88 of the LDC; and

WHEREAS, the Town Council determined it **is** in the best interest of the Town to approve/approve with conditions/deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant **did** meet its burden of proof that the requested Special Exception **does** meet the requirements of the Town Comprehensive Plan and LDC, and approving the Special Exception is in the best interest of the Town to approve. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, and interested parties and public, the Town Council **APPROVES/APPROVES WITH CONDITIONS/DENIES** the special exception for the reconstruction of a pool deck, walkways and a fence in the Environmentally Critical zoning district.

Section 3. In approving the Special Exception, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-88 of the LDC:

A. Changed or changing conditions which make approval of the request appropriate.
B. The request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
C. The request meets all performance and locational standards for the proposed use.
D. The request will protect, conserve, or preserve environmentally critical areas and natural resources.
E. The request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.
F. The requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code; and

In accordance with the additional regulations and considerations found in Section 6-366 of the LDC:

A. Any repairs must comply with all relevant local and state floodplain regulations.
B. Repairs may not damage existing dunes or dune vegetation.
C. Repairs, other than those limited to emergency repairs to enclose a damaged structure, may not be completed during sea turtle nesting season.
D. A new special exception must be applied for each time the structure is repaired.

Section 4. If the Town Council approves/denies the requested special exception and the following conditions of approval are imposed on the Applicant and the Property:

A. The terms and conditions of all previous resolutions and ordinances shall continue in full force.

B. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.

C. Additional repairs to major structures in the EC zoning district will require a new special exception.

D. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

E. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

F. Any violation of the conditions of approval shall render the special exception null and void.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Atterholt and seconded by Council Member Woodson, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	___
Jim Atterholt, Vice Mayor	____
John R. King	___
Karen Woodson	___
Vacant	___

ADOPTED this ___day of January 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE

AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of January 2024.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Special Exception**
CASE NUMBER:	**SEZ 20230226**
CASE NAME:	**Special Exception for Pink Shell (275/322 Estero, 200 Estero, 192 Estero Common Element only) to reconstruct pool and beach amenities seaward of the 1978 Coastal Construction Control Line.**
LPA HEARING DATE:	**January 9, 2024 at 9:00 AM**
STAFF RECOMMENDATION:	**Approve with conditions**
PREPARED/ SUBMITTED BY:	**Sarah Propst, AICP, PMP/ Jason Green AICP, CFM**

I. APPLICATION SUMMARY

Applicant/Owner:	Sarah Spector/JABO LLC, Bill Waichulis
Request:	The applicant is requesting a special exception to allow the reconstruction of the pool fence, pool, deck, cabanas, six chickee huts, and irrigation seaward of the 1978 Coastal Construction Control Line.
Subject property:	Exhibit A – Adopted Master Concept Plan
Physical Address:	275/322 Estero Blvd, 200 Estero Blvd, 192 Estero Blvd Common Element only
STRAP #:	24-46-23-W1-00700.0340 (275/322 Estero blvd), 24-46-23-W1-00700.037A (Captiva Villas C/E), 24-46-23-W1-00700.0330 (200 Estero blvd)
FLU:	Recreation

Zoning: Commercial Planned Development & Environmentally Critical

Adjacent zoning and land uses:

North: COMMERCIAL PLANNED DEVELOPMENT,
Mixed Residential

South: ENVIRONMENTALLY CRITICAL (EC)
Recreation

East: RESIDENTIAL PLANNED DEVELOPMENT (RPD) &
RESIDENTIAL MULTIFAMILY (RM)
Mixed Residential

West: RESIDENTIAL MULTIFAMILY (RM)
Mixed Residential

II. BACKGROUND AND ANALYSIS

Background:
JABO LLC, owner of 275/322 Estero Blvd, 200 Estero Blvd, and the common element of192 Estero Blvd, known as Pink Shell Resort, is requesting a special exception, to allow the reconstruction of pool and beach amenities, seaward of the Coastal Construction Control Line (CCCL), that were destroyed by Ian.

The original Pink Shell rezoning was in 1982 (Z-82-170). Since that time, several modifications to the CPD have been adopted. The proposed layout appears to closely match the approved and previously existing development seaward of the 1978 CCCL.

Analysis:
The applicant proposes the replacement of pool deck, pool cabanas, a pool fence, irrigation and tiki huts. The site plan in your packet shows eight (8) tiki huts. The two (2) huts closest to the water are moveable and will be brought in daily during turtle season. The six (6) huts located further away from the water are permanent. The applicant has shown a line on the site plan indicating a "managed beach dune #3 low dune". This dune type is vegetated with panic grass, dune sunflowers, sea oats, and railroad vines. The dune will limit the risk of any sea turtles venturing into the area with permanent tiki huts and getting stuck.

The LDC was recently updated to allow major primary and accessory structures to be repaired in the EC zoning district with the approval of a special exception. Prior to the code change, only single-family residences could be repaired in the EC zoning district.

Neighborhood Compatibility:
The proposed replacement of existing structures will have no impact on the adjacent properties because the proposed structures existed prior to the storm and no

additional structures are proposed.

Properties to the north and south of this location will likely require special exceptions in order to replace structures which existing and were damaged or destroyed by hurricane Ian.

Considerations, Findings and Conclusions:

Section 6-366(b)(3) Regulations and Considerations
LDC Section 6-366 includes additional regulations and considerations for special exception approval of repairs in the EC zoning district:

a. Any repairs must comply with all relevant local and state floodplain regulations.

The development will be required to meet all local and state floodplain regulations.

b. Repairs may not damage existing dunes or dune vegetation.

The repairs are proposed landward of the dune and native vegetation will not be impacted.

c. Repairs, other than those limited to emergency repairs to enclose a damaged structure may not be completed during sea turtle nesting season.

Sea turtle nesting season ended on October 31st .

d. A new special exception must be applied for each time the structure is repaired.

This will be a condition of the special exception approval.

Special Exception Findings
LDC Sec. 34-88(b) sets forth the required findings and conclusions for the approval of a special exception:

1) *Whether there exist changed or changing conditions which make approval of the request appropriate.*

The pool and all facilities in the EC were destroyed or severely damaged during Ian. Construction seaward of the EC is likely to be damaged by storm surge in the future.

2) *Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.*

Policy 5-D-1 states: Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

This proposed redevelopment does not create any new development or change the location from what previously existed on the site. Therefore staff believes that

this proposed request does not fall within the definition of development in the Town's code of ordinance:

- The LDC defines *Development* as (1) A subdivision, as defined in this chapter; or (2) Any improvement to land, as defined in this chapter.
- The LDC defines *Improvement* to land as any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by ch. 22 of this LDC; clearing of indigenous plant communities; and the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

3) *Whether the request meets or exceeds all performance and locational standards for the proposed use.*

   The request will comply with local, state, and federal air, noise and water pollution standards. It will not adversely affect water quality and it will not create a nuisance to adjacent properties.

4) *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

   The request will maintain what was previously constructed on this property. It will not have an additional negative impact. The proposed dune seaward of the development will limit any impacts on sea turtles.

5) *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

   There is no anticipated negative impact or injury to surrounding properties.

6) *Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.*

   The EC zoning district allows only passive, movable structures, no new major structures of any kind are allowed, other than dune walkovers through a special exception. Prior to the recent code change, only repairs to primary structures were permitted through a special exception. The recent code amendment allows replacement of major accessory structures also.

III. RECOMMENDATION

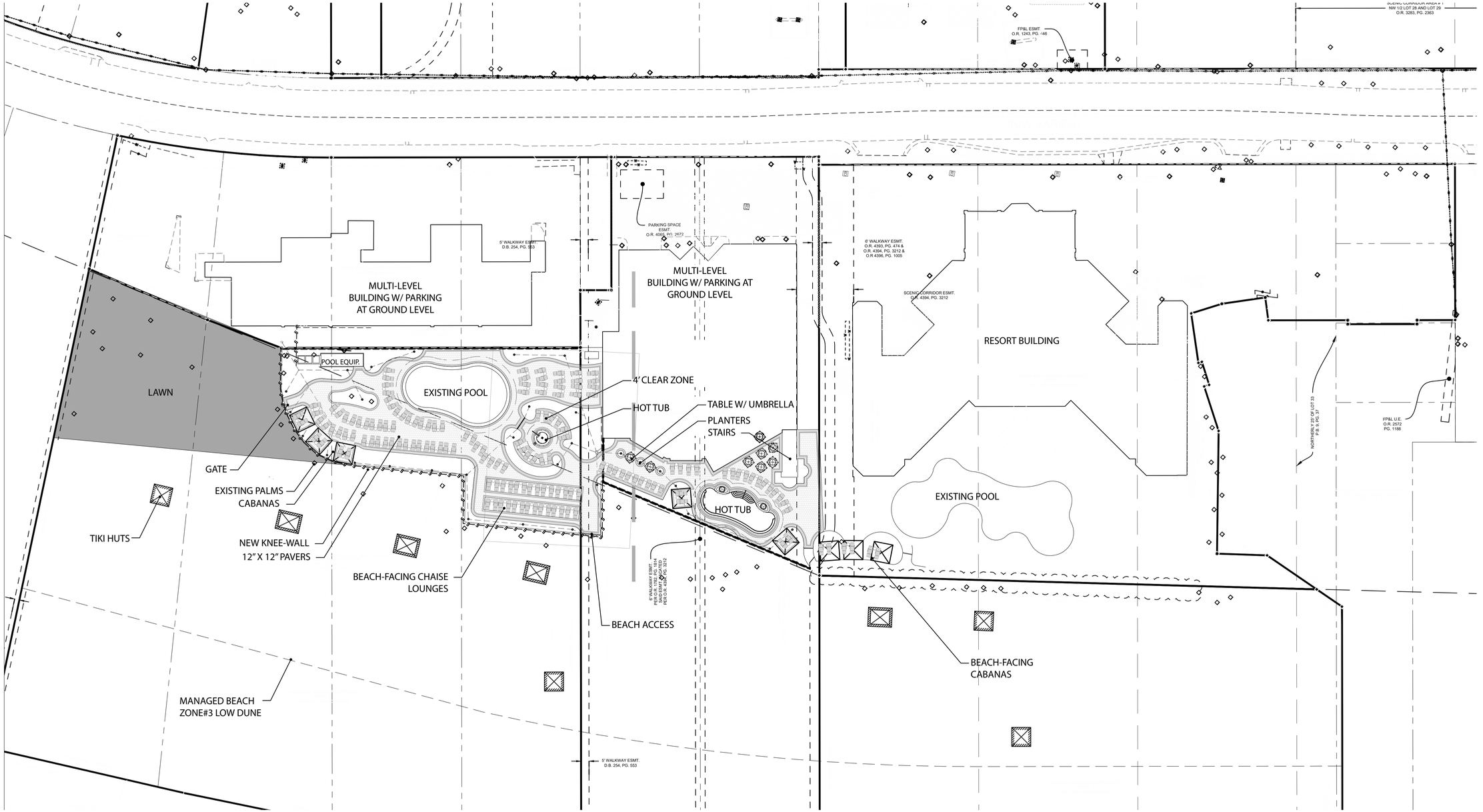
Staff finds that the Special Exception request meets the required findings and conclusions for approval found in Section 6-366(b)(3) and 34-88(b) of the land development code. Staff recommends approval of DCI20230226 to allow the replacement of pool and beach amenities at Pink Shell Resort, with the attached conditions.

IV. CONDITIONS OF APPROVAL

1. The terms and conditions of all previous resolutions and ordinances shall continue in full force.
2. All development must be consistent with the Master Concept Plan (MCP) titled "Pink Shell CPD Gulf Side" or "Pink Shell CPD Bay Side" and marked with a revision date of August 27, 2013.
3. Additional repairs to major structures in the EC zoning district will require a new special exception.
4. Approval of this special exception does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
5. The applicant must apply for and receive all state and local permits required for the reconstruction of all proposed structures.

V. Staff Report Exhibits:

A – Updated site plan showing dune
B – Pamphlet showing original chickees
C – Postcards to adjacent property owners
D – Complete application



Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

PINK SHELL RESORT • **POOL DECK CONCEPT**

Lee County, FL

December 1, 2023

23004319

0 30' 60'

SCALE: 1" = 30'-0"

For illustrative purposes only.
Subject to change without notice.

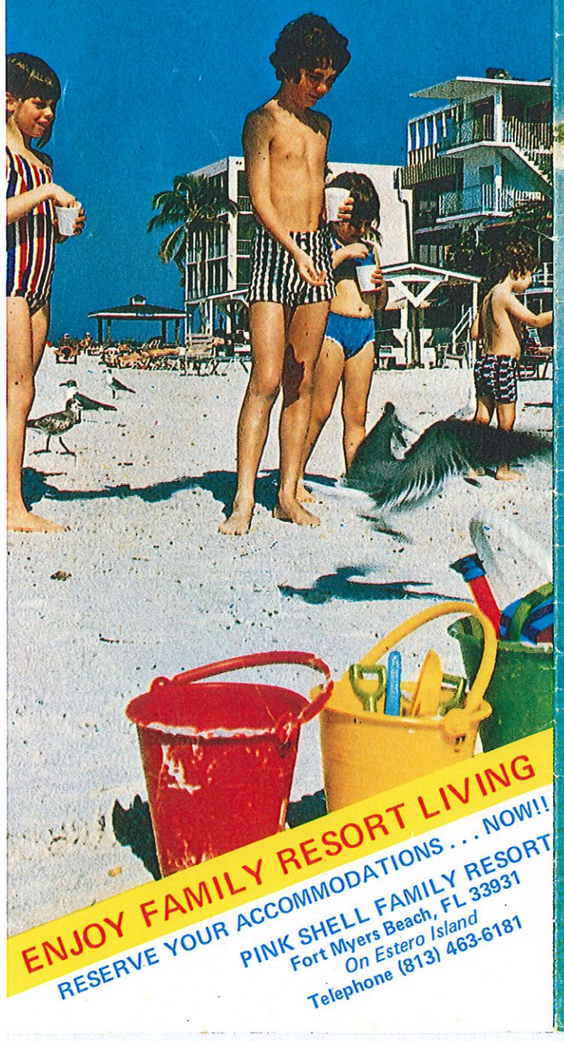
FORT MYERS BEACH, FL.

Pink Shell

Family Resort

ON ESTERO ISLAND

ON THE GULF OF MEXICO



ENJOY FAMILY RESORT LIVING

RESERVE YOUR ACCOMMODATIONS . . . NOW!!

PINK SHELL FAMILY RESORT
Fort Myers Beach, FL 33931
On Estero Island
Telephone (813) 463-6181

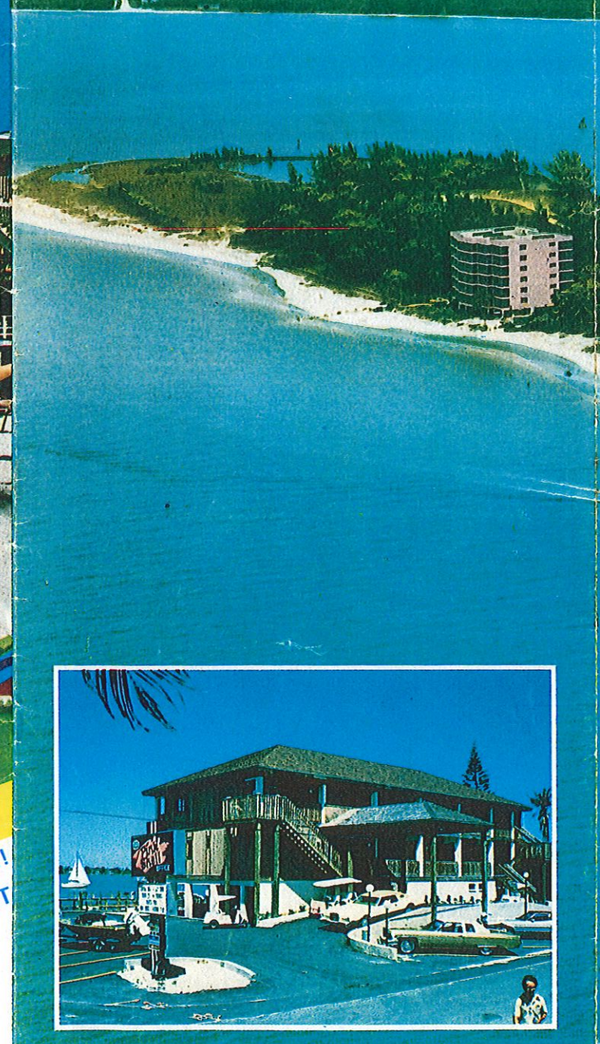
FORT MYERS BEACH, FL.

Pink Shell

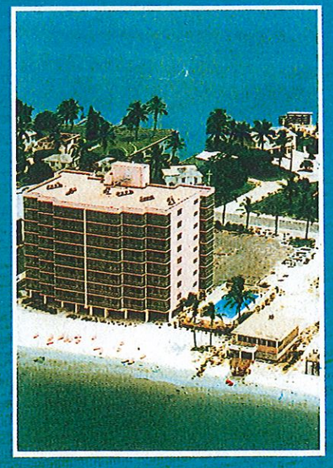
Family Resort

ON ESTERO ISLAND

ONE STAY USUALLY MEANS MANY MORE

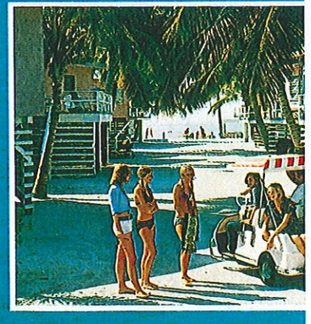


For your island sojourn
ON BEAUTIFUL ESTERO ISLAND
directly on the Gulf of Mexico and Estero Bay
Florida's Southwest Sun Coast
Ft. Myers Beach, Florida
The Pink Shell facilities span the breadth
of this tropical island from Gulf to Bay.

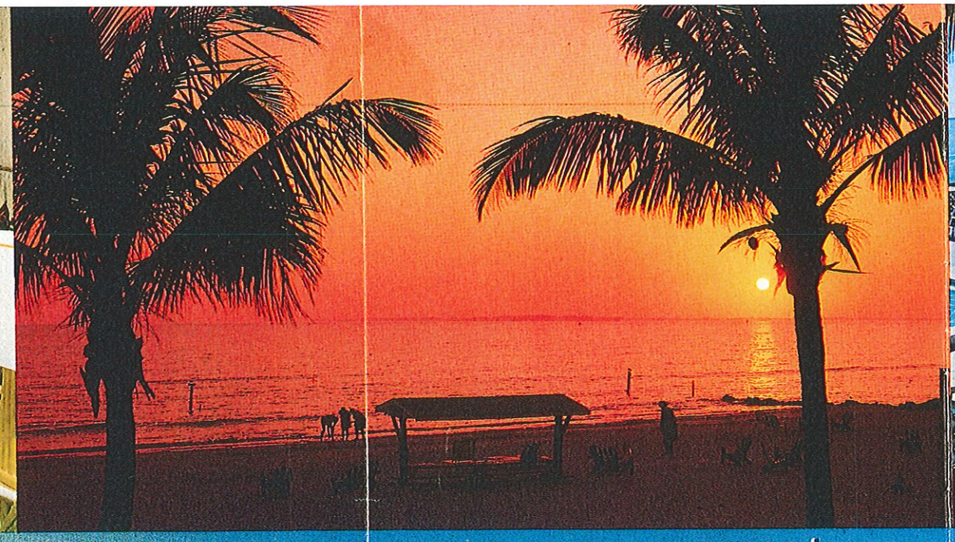


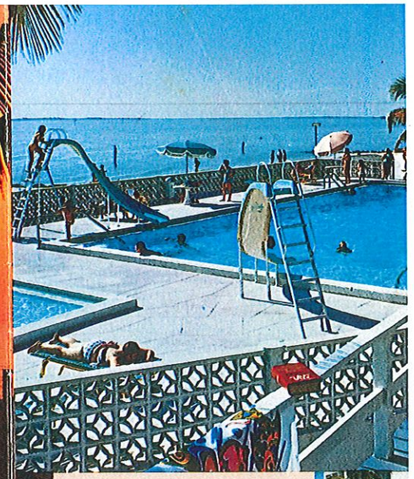
Join us . . . nearly a half mile
waterfront on the Gulf and Bay. Stro
white sandy beach, sun bathe or searc
bountiful shells found in this area. Th
seascape with shrimp boats coming an
picturesque, everchanging sunsets to
delight your senses. It's a panorama o
as active, exciting or lazy and relaxing

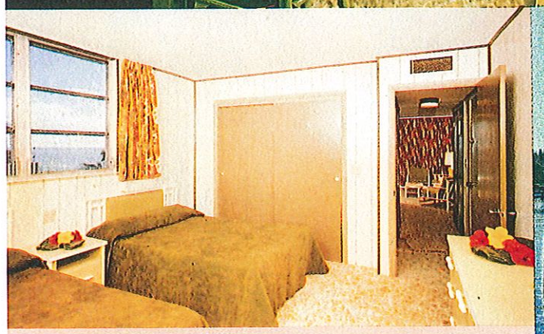
There's water everywhe
From Gulf to Bay
is only a
few steps . . . and
it's all yours to enjoy!

















Pink Shell
COTTAGES
FORT MYERS BEACH, FLORIDA

Stay in luxurious accommodations . . . from a simple motel room to a 3-bedroom, 3-bath apartment. More than mere function was considered in the appointments of Pink Shell. Everything to make your holiday as pleasant and comfortable as possible has been incorporated into these deluxe accommodations. The soft warmth of carpeting, temperature control with central heat and air conditioning, color television for entertainment, telephone for easy communication, modern kitchen needs for easy meal preparation, sun decks or screened-in porches for leisure hours are all yours to enjoy at Pink Shell. Everything is furnished from a can opener to television!

You'll be reluctant to leave . . . leisure time activities are plentiful and the pace is slow and tropical.

SWIMMING . . . in our three heated, f
or in the Gulf, on the world's safest b
tow. FISHING . . . from our five pier
fishing from charter and party boats.
we have rental boats, ramp and docka
explore the inlets, rivers and Gulf. W
for the entire family on shallow Gulf
undisturbed bay. TENNIS . . . enjoy
lighted courts. SHELLING . . . this a
renown shelling haven. GOLFING . .
drive to several championship courses.
ROOM . . . to keep the small fry busy

If you choose you can doze on the sa
the sun 'cause we have plenty for eve
convenience our Ship Store has groce
fishing and boating supplies.

P.S. Visit us soon . . . reservations sug

Welcome to the Pink Shell Family Resort

Drop anchor at the Pink Shell for a holiday of fun and relaxation for the entire fa

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please check for meeting changes on our website WWW.FMBGOV.com.

TIME: 9 AM
DATE: LPA January 9, 2023 and Town Council January 22,2023
CASE: SEZ20230226
ADDRESS: 200 Estero Blvd
APPLICANT: Jabo LLC/ Captiva Villas Development
REQUEST: The applicant is requesting a Special Exception to reconstruct the pool, paver deck, 6 chickee huts and irrigation, seaward of the 1978 CCCL

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

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«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

PINK SHELL SPECIAL EXCEPTION REQUEST
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PUBLIC HEARING APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 200 Estero Boulevard, Fort Myers Beach, FL

STRAP Number: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Applicant: JABO LLC and Captiva Villas Development LLC Phone: 239.463.8601

Contact Name: Sarah Spector, Roetzel & Andress Phone: 239.338.4213

Email: sspector@ralaw.com Fax: 239.337.0970

Current Zoning District: CPD, MPD and EC

Future Land Use Map (FLUM) Category: Mixed Residential and Recreation

FLUM Density Range: 6 du/acre Platted Overlay: ☐ YES ☑ NO

ACTION REQUESTED	SUPPLEMENTAL FORM REQUIRED
☑ Special Exception	PH-A
☐ Variance	PH-B
☐ Conventional Rezoning	PH-C
☐ Planned Development ☐ Commercial ☐ Residential	PH-D
☐ Master Concept Plan Extension	PH-E
☐ Appeal of Administrative Action	PH-F
☐ Vacation of Platted Right-of-way and Easement	PH-G
☐ Other – cite LDC Section: _____	attach on separate sheet

PART I – General Information

A. Applicant*: JABO LLC and Captiva Villas Development LLC Phone: 239.463.8601

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 275 Estero Boulevard, Fort Myers Beach, FL 33931

Email: bwaichulis@boykin.com Fax: 239.463.8640

Contact Name: Bill Waichulis Phone: 239.463.8601

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

B. Relationship of Applicant to subject property:

☑ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☐ Authorized Representative* ☐ Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Sarah Spector, Roetzel & Andress Phone: 239.338.4213
Address: 2320 First Street, Suite 1000, Fort Myers, FL 33901
Email: sspector@ralaw.com Fax: 239.337.0970

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

☑ Special Exception
☐ Variance from LDC Section _____ - _____
☐ Conventional Rezoning from _____ to _____
☐ Planned Development
☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
☐ Amendment. List the project number: _____
☐ Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: N/A Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: N/A Phone: _____

Mailing Address: _____

Email: _____ Fax: _____

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, _____ swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

_____ _____
Signature Printed Name

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ____ physical presence OR _____ online notarization, this _____day of _____, 20_____, by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL) _____
Notary Public Signature

PART V
Property Ownership (Multiple Owners)

☑ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☑ Complete Disclosure of Interest Form (see below)
- ☑ Attach list of property owners as Exhibit 5-1
- ☑ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
_____	_____
_____	_____
_____	_____
_____	_____

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock
JABO LLC and Captiva Villas Development LLC	
Robert Boykin, John Boykin	100%
275 Estero Boulevard, Fort Myers Beach, FL 33931	

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ William Waichulis, Officer, JABO, LLC

Signature Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, William Waichulis (name), as President (title) of JABO LLC and New Pink Shell LLC* (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

JABO LLC and New Pink Shell LLC*

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

President

Title

William Waichulis

Typed or Printed Name

10/30/23

Date

STATE OF Florida **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of X physical presence OR ☐ online notarization, this 30 day of October, 2023, by WilliamWaichulis ☒ who is personally known to me OR ☐ who has produced _____ as identification.

ASHLEY G. MPANZA
MY COMMISSION # HH 000365
EXPIRES: May 17, 2024
Bonded Thru Notary Public Underwriters

Notary Public Signature

*New Pink Shell LLC, as sole member of Captiva Villas Development LLC

PART VI– Property Information

A. Legal Description:

STRAP: 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Property Address: 200/275/322 Estero Boulevard, Fort Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☑ Yes. Property identified in subdivision: See attached List of Property Owners (Exhibit 5-1)

Book: _____ Page: _____ Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

C. Property Dimensions:

Width (please provide an average width if irregular in shape) _____ feet

Depth (please provide an average width if irregular in shape) _____ feet

Frontage on street: _____ feet. Frontage on waterbody: _____ feet

Total land area: _____ ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

From Sky Bridge, go north on Estero Boulevard +/- 1 mile. Pink Shell Resort is located on both sides of Estero Boulevard, with the property in question being on the west (Gulf) side.

☑ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☑ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☑ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☑ Attach a map showing the surrounding property owners as Exhibit 6-7.

☑ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density	☐ Marina
☑ Mixed Residential	☑ Recreation
☐ Boulevard	☐ Wetlands
☐ Pedestrian Commercial	☐ Platted Overlay

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

EXHIBIT 5-1

LIST OF PROPERTY OWNERS

EXHIBIT 5-1

LIST OF PROPERTY OWNERS

	Property Owner	Property Address	STRAP Number	Plat Reference
1	JABO LLC	275/322 Estero Boulevard	24-46-23-W1-00700.0340	Portion of Lots 39 through 42, Island Shores Club Section, according to the plat thereof recorded in Plat Book 9, Page 41 of the Public Records of Lee County, Florida (the "Island Shores Club Plat")
2	Captiva Villas Development LLC	N/A	24-46-23-W1-00700.037A	Portion of Lots 37 and 38, Island Shores Club Section, according to the Island Shores Club Plat
3	JABO LLC	200 Estero Boulevard	24-46-23-W1-00700.0330	Portion of Lots 33 through 36, Unit No. 4 Island Shores, according to the plat thereof recorded in Plat Book 9, Page 37 of the Public Records of Lee County, Florida

UNIT Nº 4
ISLAND SHORES
A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46S, R23E ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100' October, 1951

DESCRIPTION

A tract or parcel of land in U.S. Lot 1, Section 24, T46S, R23E on Estero Island described as follows:
Begin at the northwesterly corner of lot 25 of Unit No. 3, Island Shores according to a plat recorded in plat book 9, at page 27 of the public records of Lee County, Florida thence run northeasterly along the northwesterly boundary of said Unit Nº 3 for 60'; thence southeasterly along the northeasterly line of Estero Boulevard as shown on said plat for 805.41'; thence deflect left 111°51' and run northerly 150.70'; thence deflect right 90°00' and run easterly for 150'; thence deflect left 90°00' and run northerly along the western boundary of Unit No. 2, Island Shores, according to a plat recorded in said plat book 9, at page 25, for 390' more or less to the waters of Matanzas Pass; thence northwesterly along said waters to an intersection with a line parallel to the northwesterly line of said lot 25 of Unit No. 3 and 1100' (measured on a perpendicular) northwesterly therefrom; thence southwesterly along said parallel line for 450' more or less to the waters of the Gulf of Mexico; thence southeasterly along said waters to the northwesterly line of said lot 25 of Unit No. 3; thence northeasterly along said line for 385' more or less to the point of beginning, together with all riparian rights appurtenant thereto.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Island Shores, Inc., a corporation under the laws of Florida, the owner of the hereon described lands has caused this plat of UNIT Nº 4, ISLAND SHORES to be made and does hereby dedicate to the perpetual use of the public all streets, roads, and/or boulevards and canals shown hereon.
IN WITNESS WHEREOF Island Shores, Inc., has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its secretary this 9th day of Oct., A.D. 1951.

ISLAND SHORES, INC.
By: John Waltman
President
Attest: James B. Kelley
Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me personally appeared John Waltman and James B. Kelley, respectively president and secretary of Island Shores, Inc., a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation, and that said dedication is the act and deed of said corporation.
WITNESS my hand and official seal at Fort Myers, said County and State this 9th day of October, A.D. 1951.

Doris M. Richardson
Notary Public, State of Florida at large.
My Commission expires Aug. 22 1955

NOTES
P.R.M.'s are 4" × 4" × 24" Concrete Monuments.
Indicates Concrete Monument set.

Both chord and arc distances are given on curved lines with angles to chords.

APPROVALS

This plat accepted this 17th day of October, 1951 in open meeting of the Board of County Commissioners of Lee County.
Approved: Chairman
D. D. Farabee
Clerk

I HEREBY CERTIFY that this plat of UNIT NO. 4, ISLAND SHORES has been examined by me, and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 4 P.M. this 22nd day of October 1951 and duly recorded in Plat Book 9, at Page 37 of the public records of Lee County, Florida.
D. D. Farabee
Clerk of the Circuit Court in and for Lee County

135757

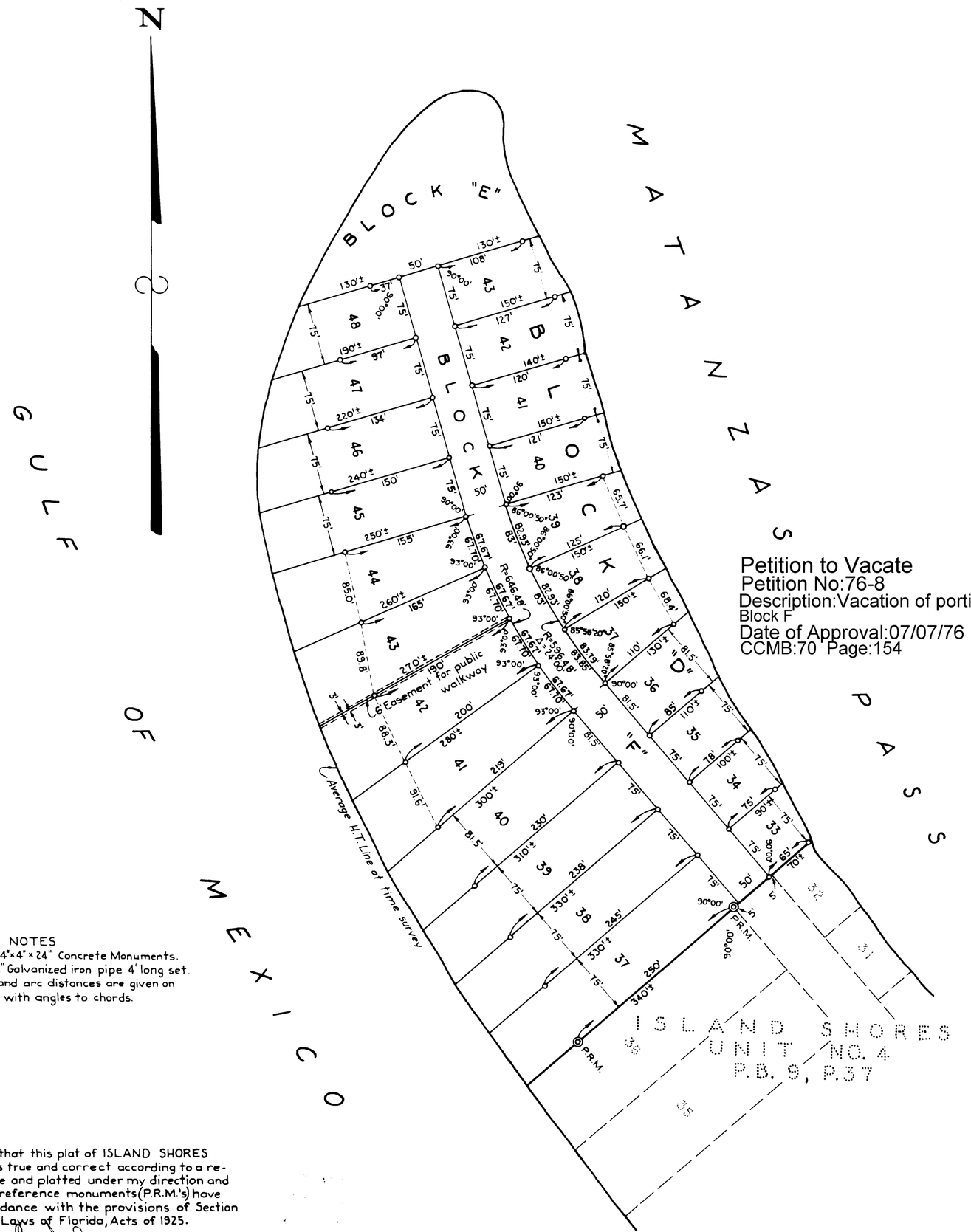
I hereby certify that this plat of UNIT NO. 4, ISLAND SHORES is true and correct according to a recent survey made and platted under my direction and that permanent reference monuments (P.R.M's) have been set in accordance with the provisions of Sec. 7, Chap. 10275, Laws of Florida, Acts of 1925.

Reg. Land Surveyor, Fla. Cert. No. 351
Johnson & Cothern, Ft. Myers, Florida

ISLAND SHORES CLUB SECTION

A SUBDIVISION IN U.S. LOT 1, SECTION 24, T46 S, R23E
ESTERO ISLAND, LEE COUNTY, FLORIDA

Scale: 1" = 100' March 1952



DESCRIPTION

All that part of U.S. or Government Lot 1, Section 24, Township 46 South, Range 23 East lying north and west of the northwesterly boundary of Unit No. 4, Island Shores according to a map or plat thereof recorded in Plat Book 9 at Page 37 of the public records of Lee County.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that John Waltman and his wife Doris H. Waltman, the owners of the hereon described lands have caused this plat of ISLAND SHORES CLUB SECTION to be made and do hereby dedicate to the perpetual use of the public all streets, roads and/or boulevards shown hereon.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seal this 15th day of March, A.D. 1952.

WITNESS: Frances Farrar John Waltman SEAL

WITNESS: Arthur K. Knudsen Jr. Doris H. Waltman SEAL

Petition to Vacate
Petition No:76-8
Description:Vacation of portion of road
Block F
Date of Approval:07/07/76
CCMB:70 Page:154

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared John Waltman and his wife Doris H. Waltman, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged before me that they executed the same for the purposes and uses therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this 18th day of March A.D. 1952.

Arthur K. Knudsen Jr.
Notary Public, State of Florida at large
My Commission expires July 29 1955

NOTES
- P.R.M.'s are 4"×4"×24" Concrete Monuments.
- Indicates 1¼" Galvanized iron pipe 4' long set. Both chord and arc distances are given on curved lines with angles to chords.

I hereby certify that this plat of ISLAND SHORES CLUB SECTION is true and correct according to a recent survey made and platted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Carl G. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Johnson & Cothern, Fort Myers, Fla.

APPROVALS

This plat accepted this 19th day of March, A.D. 1952 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: _____
Chairman

L. J. Larrabee
Clerk

I HEREBY CERTIFY that this plat of ISLAND SHORES CLUB SECTION has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.

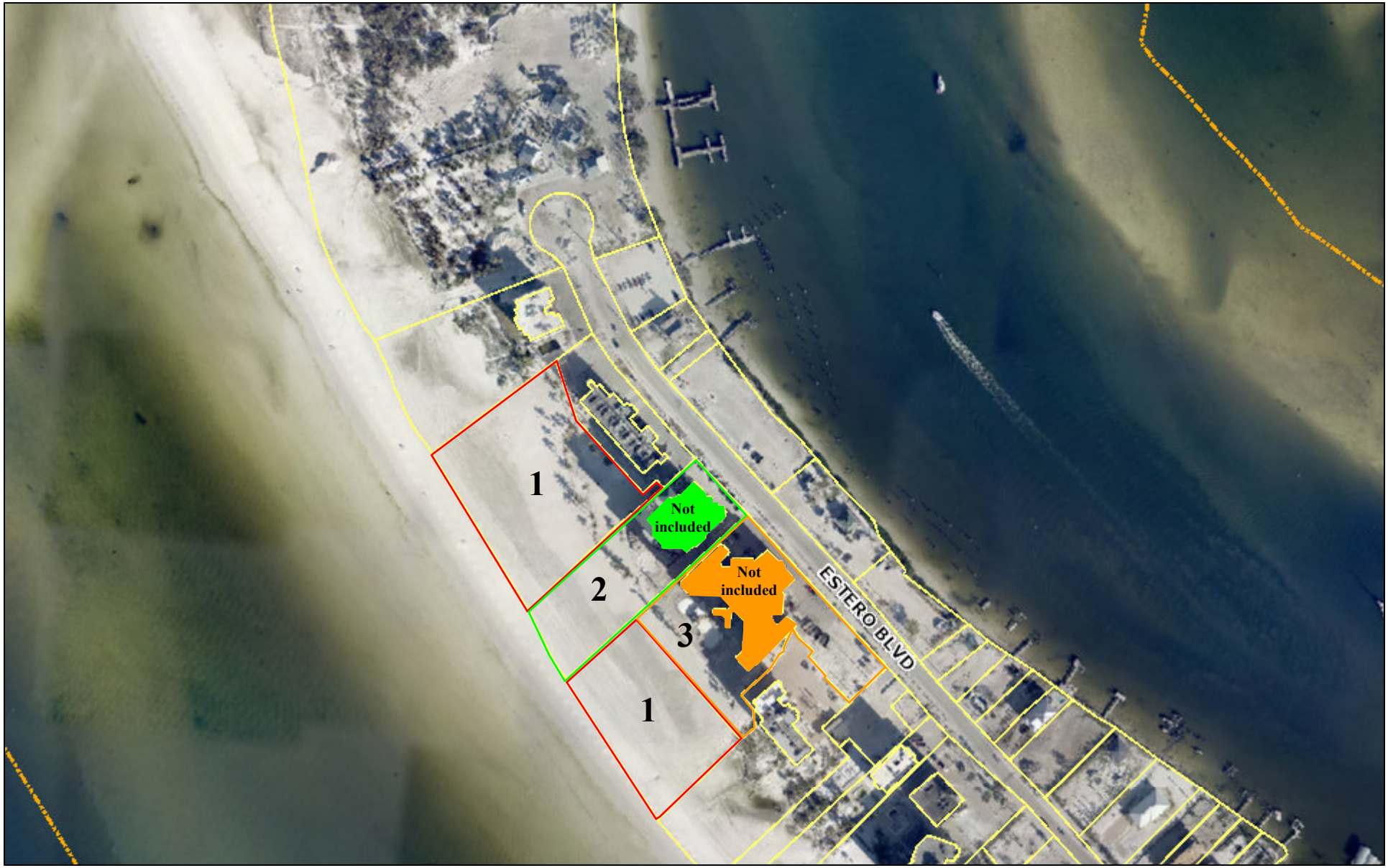
I FURTHER CERTIFY that said plat was filed for record at 11 A.M. this 29th day of March, A.D. 1952 and duly recorded in Plat Book 9, on Page 41 of the public records of Lee County, Florida.

L. J. Larrabee
Clerk of the Circuit Court in and for Lee County

EXHIBIT 5-2

PROPERTY OWNERS MAP

EXHIBIT 5-2
PROPERTY OWNERS MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

County Boundary

US 41

Parcels Near

Major Roads Medium

Other Highways

Downtown Government Bldgs

I - 75

Other Roads

Building Footprints Low

1:3,200

0 150 300 600 ft

0 40 80 160 m

This map is NOT a legal land survey and should not be used or relied upon as such.
No warranties, express or implied, are provided with the data, use, accuracy or intended purpose.

EXHIBIT 6-2

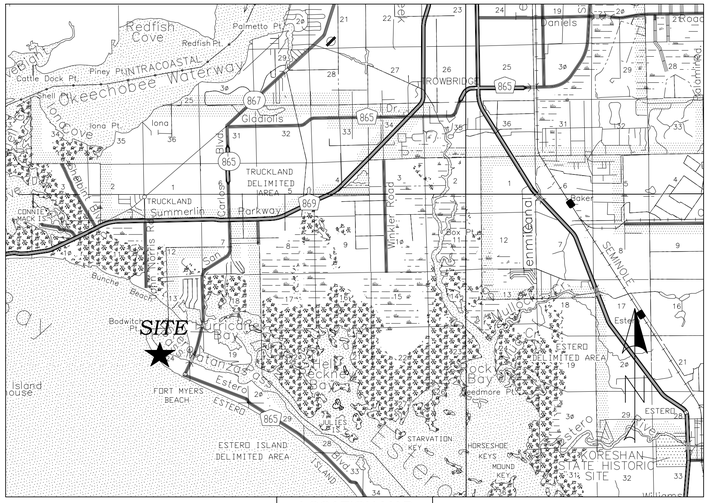
BOUNDARY SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

NOTES

1. THE CERTIFICATE OF AUTHORI ATION NUMBER OF T2 UES, INC. IS LB-8336.
2. NO ABSTRACT OF TITLE OR TITLE INSURANCE COMMITMENT WAS REVIEWED AS PART OF THIS SURVEY.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PARCEL HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. NO SUB-SURFACE FOUNDATIONS HAVE BEEN LOCATED AS PART OF THIS SURVEY.
5. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN ANY SHOWN.
6. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
7. ALL NOTED RECORDING REFERENCES ARE FROM THE PUBLIC RECORDS OF LEE COUNTY.
8. ALL HORI ONTAL SURVEY DATA IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED ON GPS RTK (REAL TIME KINEMATIC) CORRECTIONS RECEIVED FROM THE TRIMBLE VRS NETWORK. THE BASIS OF BEARING IS THE SOUTH RIGHT-OF-WAY LINE OF ESTERO BOULEVARD AS BEING S 42 06'01" E.
9. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
10. COORDINATES, ELEVATIONS, BEARINGS AND DISTANCES SHOWN ARE MEASURED OR CALCULATED FROM FIELD TIES UNLESS OTHERWISE NOTED.
11. SURVEYED PARCELS COMBINED CONTAINS 478,809.50 S UARE FEET OR 10.99 ACRES, MORE OR LESS.
12. DATE OF LAST FIELD WORK: 4-14-2023 FIELD BOOK 593, PAGES 29.
13. THIS SURVEY OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. OTHERWISE THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
14. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
15. NO ENVIRONMENTAL AUDIT OR JURISDICTIONAL DELINEATION WAS MADE AS PART OF THIS SURVEY.
16. ANY ADJOINING DEED CITES ARE FOR "INFORMATIONAL PURPOSES ONLY" NO SURVEY WAS MADE OF ADJOINING LANDS.
17. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988, AND TIES TO NATIONAL GEODETIC SURVEY BENCHMARK "872 5366 F" (PID "AD7852") HAVING A ELEVATION OF 22.60 FEET'.
18. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 50' OR SMALLER.
19. EROSION CONTROL LINE AS PER COORDINATES SHOWN ON PLAT BOOK 70, PAGE 25. NO MONUMENTATION WAS FOUND DURING FIELD SURVEY.
20. STATUS OF COASTAL CONSTRUCTION SETBACK LINE IS UNKNOWN. SHOWN FOR INFORMATIONAL PURPOSES ONLY.
21. MANY AREAS OF THIS PROJECT WERE OBSCURED BY HURRICANE DEBRIS AND CONSTRUCTION ACTIVITIES. ALL IMPROVEMENTS AND DETAILS MAY NOT HAVE BEEN OBTAINED DURING THIS SURVEY.



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION: (PER INST. NO. 2006000369825)

PARCEL 1:

Lo 5 d 6, GULFSHORE SUBDIVISION r ord d P Boo 9, 88, of P R ord of L Co , F or d .

PARCEL 2: W S d U d r P r :

P r of Lo 8 d 9, d Lo 10 of G f or S d o r ord d P Boo 9, 88, of P R ord of L Co , F or d , d r of Lo 33 ro 36 of U No. 4, l d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :

B Nor or r of Lo 36 of d U No. 4, l d S or o o o So r r of of E ro Bo rd 30 f fro r So 42 07'25 E o d r of for 400.00 f o Nor r r of of G f or Co r So 47 52'35 W o d r of of G f or Co r for 98.24 f Nor 42 07'25 W for 24 f So 47 52'35 W for 2.50 f Nor 42 07'25 W for 43.54 f Nor 47 52'35 E for 2.50 f Nor 42 07'25 W for 50.00 f Nor 40 31'28 E for 14.49 f Nor 50 19'25 for 27.57 f Nor 59 22'01 W for 20.23 f So 39 40'35 W for 31.50 f So 59 17'28 E for 2.30 f So 30 21'33 W for 15.24 f Nor 58 42'37 W for 3.31 f So 29 58'13 W for 29.45 f So 48 42'33 W for 77.19 f So 40 09'10 E for 31.53 f So 07 36'21 E for 37.85 f Nor 40 26'54 W for 312.86 f o Nor r of Lo 36 of d U . No. 4, l d S or C S o Nor 47 52'35 E o d Lo 36 for 258.36 f o Po of B .

TOGETHER WITH PARCEL 3:

P r of B o D , U 4, l d S or , r ord d P Boo 9, 37, of d P R ord or r r d r d fo o :

T Nor f of Lo 28, ALL of Lo 29, ALL of Lo 30, d So 20 f of Lo 31 of d Bo D , U 4, l d S or .

TOGETHER WITH PARCEL 4:

P r of B o D , l d S or C S o , r ord d P Boo 9, 41, A d r of U 4, l d S or , r ord d P Boo 9, 37 of d P R ord or r r d r d fo o :

T Nor 17 f of Lo 32, of d B o D U 4, l d S or .

ALL of Lo 33, Lo 34, d Lo 35, d So 50 f of Lo 36, ISLAND SHORES CLUB SECTION, r ord d P oo 9, 41, of P r ord of L Co , F or d .

PARCEL 5:

Lo 34, 35, 36 d Nor r 25 f of Lo 33, U No. 4. ISLAND SHORES, ord o r of d P Boo 9, 37, of P r ord of l Co F or d ,

Lo 4, GULFSHORE, ord o r of d P Boo 9, 88, of P r ord of L Co , F or d .

LESS of o or o d r d W S d U d r P r d r d o

AND LESS or o d r d o o r of ESTBRO BEACH VILLAS, o do r o D r o of Co do r ord d Of R ord Boo 2574, 734, of P R ord of L Co , F or d .

PARCEL 6:

Lots 39, 40, 41 and 42, Unit No. 4. ISLAND SHORES, according to the plat thereof filed in Plat Book 9, page 41, of the Public records of lee County Florida,

LESS any portion which lies within the property pursuant to the Declaration of Condominium for Sanib e1 View Villas, a Condominium, according to the Declaration of Condominium thereof recorded in Official Record Book 3559, page 222, of the Public Records of Lee County, Florida.

PARCEL 7:

Lot 31, LESS the South 20 feet, Block "D", Unit 4, Island Shores, as recorded in Plat Book 9, page 37of the Public records of Lee County, Florida. Lots 32, LESS the Northwest 17 feet, Block "D", Unit 4, Island Shores, according to the plat thereof as filed in Plat Book 9, page 37, and Lots 36, LESS the Southeast 50 feet, and Lots 38 and 39, Block D, ISLAND SHORES CLUB SECTION, according to the plat thereof as filed in Plat Book 9, page 41, of the Public Records of Lee County, Florida.

LEGAL DESCRIPTION: (PER O.R. 4161, PG. 3372)

A TRACT OR PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 37 AND PART OF LOT 38 OF ISLAND SHORES CLUB SECTION, A SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 41 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT COMMON TO LOTS 37 AND 38 OF SAID ISLAND SHORES CLUB SECTION LYING ON THE SOUTHWESTERLY RIGHT OF WAY OF ESTERO BOULEVARD 25 FEET FROM THE CENTERLINE THENCE S.42 07'25 E. ALONG THE SAID RIGHT OF WAY FOR 75.00 FEET THENCE S.47 52'35"W ALONG THE SOUTHEASTERLY LINE OF LOT 37 FOR 525 FEET MORE OR LESS TO THE MEAN HIGH TIDE LINE OF THE GULF OF MEXICO THENCE NORTHWESTERLY ALONG SAID MEAN HIGH 'IIDE LINE TO THE NORTHWEST ERLY LINE OF SAID LOT 38 OF SAID ISLAND SHORES CLUB SECTION THENCE N.47 52'35 E. ALONG THE NORTHWESTERLY LINE OF SAID LOT 38 AND PERPENDICULAR TO SAID RIGHT OF WAY FOR 412 FEET MORE OR LESS THENCE S.42 07'25 E. FOR 19.50 FEET THENCE N.47 52'35" E. FOR 83.68 FEET TO A POINT ON THE SAID SOUTHWESTERLY RIGHT OF WAY THENCE S.42 07'25"E. ALONG SAID RIGHT OF WAY FOR 55.50 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER O.R. 3559, PG. 222)

PART OF LOTS 38 THROUGH 42 OF ISLAND SHORES CLUB SECTION AS RECORDED IN PLAT BOOK 9 . PAGE 4 1 OF THE PUBLIC RECORDS IN LEE COUNTY, FLORIDA. SECTION 2 4 . TOWNSHIP 48 SOUTH. RANGE 23 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF LOT 42 OF SAID ISLAND SHORES CLUB SECTION. THENCE S. 5 9 52' 36" W . ALONG THE NORTHERLY LINE OF SAID LOT 42 , FOR 85.88 FEET THENCE S. 18 44' 59" E. FOR 80. 90 FEET: THENCE S. 21 11' 18" E. FOR 49.64 FEET: THENCE S. 42 07' 25" E. FOR 188.15 FEET: THENCE N. 47 52' 35" E. FOR 36.03 FEET: THENCE S. 42 07' 25" E . FOR 19.50 FEET THENCE N. 47 52' 35" E. FOR 83.68 FEET TO THE WESTERLY RIGHT OF WAY OF ESTERO BOULEVARD THENCE N. 42 07' 25" W. FOR 176.00 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 646.48 FEET, CENTRAL ANGLE OF 12 00' 01". CHORD 135.15 FEET: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 135.40 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PER INST. NO. 2022000052757)

The Southeast 1/2 of Lot 28, Block D, Unit No. 4, Island Shores, according to the plat thereof as recorded in Plat Book 9, Page(s) 37, Public Records of Lee County, Florida.

LEGEND:

- BACKFLOW PREVENTER
- BENCH MARK
- BOLLARD
- CATCH BASIN
- CENTERLINE
- CONCRETE POWER POLE
- ELECTRICAL BOX
- ELECTRIC METER
- ELECTRIC TRANSFORMER W/ PAD
- EXISTING ELEVATION
- FIBER OPTIC BOX
- FIRE HYDRANT
- FIRE VALVE
- GATE ARM ACTUATOR BOX
- GUY WIRE
- LIGHT POLE
- WELL
- OVERHEAD POWER LINE
- POWER POLE
- SIGN SINGLE POST
- TELEPHONE RISER
- UNKNOWN UTILITY VAULT
- UNKNOWN UTILITY MANHOLE
- WOOD POST
- BUSH
- FOUND CONCRETE MONUMENT
- FOUND DRILL HOLE
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND IRON ROD & CAP
- NOT FND OR SET
- FOUND NAIL & DISK
- LIGHTER WOOD POST
- FOUND PARKER KALON NAIL
- FOUND PARKER KALON NAIL & DISK
- SET CONCRETE MONUMENT
- SET DRILL HOLE
- SET 5/8" IRON ROD & CAP "T2 LB 8336" U.O.N.
- SET MAG NAIL & DISK "T2 LB 8336" U.O.N.
- SET IRON PIPE
- CONCRETE

ABBREVIATIONS:

AC. = ACRE
A.C. = AIR CONDITIONER
A.K.A. = ALSO KNOWN AS
ALTA = AMERICAN LAND TITLE ASSOCIATION
ALUM. = ALUMINUM
APPR. = APPROXIMATE
ASPH. = ASPHALT
AVE. = AVENUE
BLDG. = BUILDING
BLVD. = BOULEVARD
BM = BENCHMARK
BOC = BACK OF CURB
BOW = BACK OF WALK
BRG. = BEARING
BSM = BUREAU OF SURVEYING AND MAPPING
(C) = CALCULATED
CATV = CABLE TELEVISION
CB = CATCH BASIN
CBS = CONCRETE BLOCK STRUCTURE
C.C.R. = CERTIFIED CORNER RECORD
CDB = CHORD BEARING
CH = CHORD
CLF = CHAIN LINK FENCE
CM = CONCRETE MONUMENT
CMP = CORRUGATED METAL PIPE
C.O. = CLEANOUT
CONC. = CONCRETE
CONT. = CONTROL
COV. = COVERED
CPP = CORRUGATED PLASTIC PIPE
COR. = CORNER
CORP. = CORPORATION
C.P. = CABBAGE PALM
C.R. = COUNTY ROAD
CT. = COURT
C.U.E. = COUNTY UTILITY EASEMENT
(D) = DEED
D.B. = DEED BOOK
D.E. = DRAINAGE EASEMENT
DEPT. = DEPARTMENT
(DESC.) = DESCRIPTION
DH = DRILL HOLE
DIA. = DIAMETER
DIST. = DISTANCE
DR. = DRIVE
DWG. = DRAWING
EL. = ELEVATION
ELEC. = ELECTRIC
EOP = EDGE OF PAVEMENT
EOW = EDGE OF WATER
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT. = EASEMENT
EXIST. = EXISTING
(F) = FIELD
FDEP = FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
F.F. = FINISHED FLOOR
FNC. = FENCE
FND = FOUND
FPL OR FP&L = FLORIDA POWER & LIGHT
F.S. = FLORIDA STATUTES
FT. = FOOT / FEET
GLO = GENERAL LAND OFFICE
GPS = GLOBAL POSITIONING SYSTEM
I.D. = IDENTIFICATION
I.D.D. = IONA DRAINAGE DISTRICT
INC. = INCORPORATED
INST. = INSTRUMENT
INV. = INVERT
I.P. = IRON PIPE
IR = IRON ROD (5/8" DIA. U.O.N.)
IRC OR IR&C = IRON ROD & CAP
IRR. = IRRIGATION
L = LENGTH
LABINS = LAND BOUNDARY INFORMATION SYSTEM (STATE OF FLORIDA)
LAT = LATITUDE
LB = LICENSED BUSINESS
LLC = LIMITED LIABILITY COMPANY
LN. = LANE
LONG = LONGITUDE
LS = LICENSED SURVEYOR
LT = LEFT
(M) = MEASURED
MAG = MAGNETIC
ME = MITERED END
MH = MANHOLE
MHWL = MEAN HIGH WATER LINE
MISC. = MISCELLANEOUS
MON = MONUMENT
N/A = NOT AVAILABLE
NAD = NORTH AMERICAN DATUM
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM (1988)
NGS = NATIONAL GEODETIC SURVEY
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM (1929)
NO. = NUMBER
NSPS = NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
N.T.S. = NOT TO SCALE
N-D = NAIL & DISK
O/H = OVERHANG
O.H.W.L. = ORDINARY HIGH WATER LINE
O.H.W.M. = ORDINARY HIGH WATER MARK
O.R. = OFFICIAL RECORD BOOK / PAGE
(P) = PLAT
PB = PLAT BOOK
P.C. = POINT OF CURVATURE
PCP = PERMANENT CONTROL POINT
PG (S). = PAGE(S)
P.I. = POINT OF INTERSECTION
PID = POINT IDENTIFIER
PKN&D = PARKER-KALON NAIL & DISK
PKWY. = PARKWAY
PL = PROPERTY LINE
PLS = PROFESSIONAL LAND SURVEYOR
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINUS
PP = POWER POLE
P.R.M. = PERMANENT REFERENCE MONUMENT
PROP. = PROPERTY
PSM = PROFESSIONAL SURVEYOR AND MAPPER
PT. = POINT
P.T. = POINT OF TANGENCY
P.U.E. = PUBLIC UTILITY EASEMENT
PVC = POLY VINYL CHLORIDE
R = RADIUS OR RIGHT
(R) = RECORD
RCP = REINFORCED CONCRETE PIPE
RGE = RANGE
RLS = REGISTERED LAND SURVEYOR
R.P. = ROYAL PALM TREE
R.R. = RAILROAD
RT = RIGHT
RTA = RIGHT ANGLE
RTK = REAL TIME KINEMATIC
R/W = RIGHT-OF-WAY
SEC. = SECTION
S.F. = S UARE FEET
SFWMD = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
SHT. = SHEET
S.R. = STATE ROAD
S.S. = SANITARY SEWER
STA. = STATION
ST. = STREET
SWFWMD = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
T = TANGENT
TEL = TELEPHONE
TIIF = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA
TIITF = BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
TOB = TOP OF BANK
TOE = TOE OF SLOPE
T.P. = TRAVERSE POINT
TRANS. = TRANSITION
TWP = TOWNSHIP
TYP = TYPICAL
U.E. = UTILITY EASEMENT
U.O.N. = UNLESS OTHERWISE NOTED
USGS = UNITED STATES GEOLOGICAL SURVEY
U.T. = UNKNOWN TREE
VRS = VIRTUAL REFERENCE STATION
W/ = WITH
Y.D. = YARD DRAIN
Δ = DELTA ANGLE
± = MORE OR LESS
= NUMBER
" " = STAMPING OF CAP OR DISK

Scott R. Urquhart
SCOTT R. UR UHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS 19 DAY OF May , 2023

T2 utility engineers
5670 Zip Drive
Fort Myers, Fl. 33905
Tel: 239.277.0722
Fax: 239.277.7179

FOR: CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

REVISION	DATE
SHEET 2 ACREAGE TABLE	5-19-23

DWG. DATE:	2-9-2023
SURVEY DATE:	3-13-2023
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.

COUNTY:	LEE
SEC.	24-46-23
PROJECT NUMBER:	220702.04
DWG. NUMBER:	220702.04 - BNDT

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

J:\PINKBEACH\2022\220702.04 - CIVIL - PINK SHELL\DRAWING\220702.04 - BNDT DWG 5/19/2023 7:04 AM

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

50 0 25 50
1 inch = 50 ft.
INTENDED DISPLAY SCALE

LINE TABLE		
LINE	BEARING	DISTANCE
L-1 (C)	S 42 06'01" E	75.00'
L-1 (P)	N/A	75.00'
L-2 (C)	S 47 53'59" W	100.00'
L-2 (P)	N/A	100.00'
L-3	N 42 06'01" W	75.00'
L-3 (P)	N/A	75.00'
L-4	N 47 53'59" E	100.00'
L-4 (P)	N/A	100.00'
L-5	S 47 53'59" W	98.24'
L-5 (D)	S 47 52'35" W	98.24'
L-6	N 42 06'01" W	24.00'
L-6 (D)	N 42 07'25" W	24'
L-7	S 47 53'59" W	2.50'
L-7 (D)	S 47 52'35" W	2.50'
L-8	N 42 06'01" W	43.54'
L-8 (D)	N 42 07'25" W	43.54'
L-9	N 47 53'59" E	2.50'
L-9 (D)	N 47 52'35" E	2.50'
L-10	N 42 06'01" W	50.00'
L-10 (D)	N 42 07'25" W	50.00'
L-11	N 40 32'52" E	14.49'
L-11 (D)	N 40 31'28" E	14.49'
L-12	N 50 18'01" W	27.57'
L-12 (D)	N 50 19'25" W	27.57'
L-13	N 59 20'37" W	20.23'
L-13 (D)	N 59 22'01" W	20.23'
L-14	S 39 41'59" W	31.50'
L-14 (D)	S 39 40'35" W	31.50'
L-15	S 59 16'04" E	2.30'
L-15 (D)	S 59 17'28" E	2.30'
L-16	S 30 22'57" W	15.24'
L-16 (D)	S 30 21'33" W	15.24'
L-17	N 58 41'13" W	3.31'
L-17 (D)	N 58 42'37" W	3.31'
L-18	S 29 59'37" W	29.45'
L-18 (D)	S 29 58'13" W	29.45'
L-19 (C)	S 48 43'57" W	77.19'
L-19 (D)	S 48 42'33" W	77.19'
L-20 (C)	S 40 07'46" E	31.53'
L-20 (D)	S 40 09'10" E	31.53'
L-21	S 07 34'57" E	37.85'
L-21 (D)	S 07 36'21" E	37.85'
L-22	S 07 34'57" E	57.08'
L-22 (D)	S 07 36'21" E	57.08'
L-23	S 07 34'57" E	19.23'
L-24 (C)	S 42 06'01" E	75.00'
L-24 (D)	S 42 07'25" E	75.00'
L-25	S 42 06'01" E	19.50'
L-25 (D)	S 42 07'25" E	19.50'
L-26	N 47 53'59" E	83.68'
L-26 (D)	N 47 52'35" E	83.68'
L-27 (C)	S 42 06'01" E	55.50'
L-27 (D)	S 42 07'25" E	55.50'
L-28	S 59 53'59" W	85.88'
L-28 (D)	S 59 52'36" W	85.88'
L-29	S 18 43'35" E	80.90'
L-29 (D)	S 18 44'59" E	80.90'
L-30	S 21 09'54" E	49.64'
L-30 (D)	S 21 11'18" E	49.64'
L-31	N 47 53'59" E	36.03'
L-31 (D)	N 47 52'35" E	36.03'
L-32	N 42 06'01" W	17.00'
L-33	S 47 53'59" W	5.00'
L-33 (P)	N/A	5.00'
L-34	N 42 06'01" W	31.50'
L-35 (C)	N 71 53'59" E	120.40'
L-36 (C)	S 55 57'18" W	125.31'
L-37 (C)	N 47 53'59" E	119.62'
L-38 (C)	N 47 53'59" E	112.84'
L-39 (C)	N 47 53'59" E	97.11'
L-40 (C)	N 47 53'59" E	90.93'
L-41 (C)	N 47 53'59" E	101.69'
L-42 (C)	S 28 03'40" E	128.32'
L-43 (C)	S 33 27'35" E	3.16'
L-44 (C)	S 33 27'35" E	63.93'
L-45 (C)	S 27 24'31" E	2.91'
L-46 (C)	S 27 24'31" E	25.81'
L-47 (C)	S 40 05'39" E	6.54'
L-48 (C)	S 40 05'39" E	56.87'
L-49 (C)	S 39 51'05" E	68.23'
L-50 (C)	S 40 37'13" E	20.29'
L-51 (C)	S 39 30'18" E	14.62'
L-52 (C)	S 40 13'20" E	25.59'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	135.40'	646.48'	12 00'00"	N 36 06'01" W	135.15'
C-1 (D)	135.40'	646.48'	12 00'01"	N/A	135.15'
C-2 (C)	165.99'	596.48'	15 56'41"	N 26 04'22" W	165.46'
C-3	83.86'	596.48'	08 03'19"	N 38 04'22" W	83.79'
C-4	135.40'	646.48'	12 00'00"	N 24 06'01" W	135.15'

MATANZAS PASS

NOTE:
P.B. 9, PG. 37: UNIT NO. 4 ISLAND SHORES SUBDIVISION
P.B. 9, PG. 41: ISLAND SHORES CLUB SECTION SUBDIVISION
P.B. 9, PG. 88: GULFSHORE SUBDIVISION

A = STRAP NO. 24-46-23-W1-00700.0370
KAMINSKY AT 131 ESTERO LLC
INST. NO. 202100319193
NOT PART OF SURVEY

B = STRAP NO. 24-46-23-W1-00700.0290
PARCEL 3
INST. NO. 2006000369825

C = STRAP NO. 24-46-23-W1-0070D.028A
LINK G. AND DOROTHY G. ARDEN
INST. NO. 2022000052757

D = STRAP NO. 24-46-23-W1-0070D.027B
PAUL G. EDWARDS
INST. NO. 2011000276175

SUBMERGED LAND LEASE NO. 360349445 (EXPIRES JULY 24, 2025)
SCENIC CORRIDOR AREA 2 NORTHWESTERLY 20' OF LOT 35 AND ALL OF LOT 36 O.R. 3283, PG. 2363
PROP. LINE PER WATER FACE OF SEAWALL CAP (TYP.)
STRAP NO. 24-46-23-W1-00700.0340 PARCEL 7 INST. NO. 2006000369825
6' WIDE PEDESTRIAN ACCESS WALKWAY NO. 2 ESMT. O.R. 3283, PG. 2363
4.4' WIDE DOCK PEDESTRIAN ACCESS WALKWAY ESMT. O.R. 3283, PG. 2363
6' WIDE PEDESTRIAN ACCESS WALKWAY NO. 1 ESMT. O.R. 3283, PG. 2363
DOCK AGREEMENT ALONG BOUNDARY LINE EXTENDED PER O.R. 2399, PG. 1164
STRAP NO. 24-46-23-W1-0080D.0400 LEE COUNTY O.R. 1961, PG. 2851
INGRESS - EGRESS ESMT. O.R. 2116/PG. 145
STRAP NO. 24-46-23-W1-00700.0320 PARCEL 4 INST. NO. 2006000369825
STRAP NO. 24-46-23-W1-00700.0340 PARCEL 7 INST. NO. 2006000369825
FP&L ESMT. O.R. 1243, PG. 446
SCENIC CORRIDOR AREA 1 NW 1/2 LOT 28 AND LOT 29 O.R. 3283, PG. 2363
ESTERO BOULEVARD (R/W VARIES)
P.O.B. O.R. 4161, PG. 3372
P.O.B. O.R. 3559, PG. 222
P.O.B. PARCEL 2 NW COR. LOT 36
BASIS OF BEARING
S 42°06'01" E 400.00'
S 42 07'25" E 400.00' (D)
N 42°06'01" W 176.00'
N 42 07'25" W 176.00' (D)
S 42°06'01" E 188.14'
S 42 07'25" E 188.15' (D)
N 47°53'59" E 258.37'
N 47 52'35" E 258.36' (D)
N 40°25'30" W 312.87'
N 40 26'54" W 312.86' (D)
S 47°53'59" W 473.56'
S 47 52'35" W 325' MORE OR LESS TO MHWL (D)
N 47°53'59" E 412' MORE OR LESS TO MHWL (D)
N 89°53'59" E 307.88' (C)
N 29°01'56" W 126.23' (C)
N 30°21'51" W 175.04' (C & P)
N 32°06'02" W 79.64' (C)
N 32°06'02" W 96.41' (C)
N 34°00'53" W 55.61' (C)
N 34°00'53" W 120.66' (C)
N 34°47'44" W 210.83' (C)
S 47°53'59" W 233.33' (C)
S 47°53'59" W 329.29' (C)
N 47°53'59" E 365.32' (C)
GULFSHORE COURT (50' R/W)
STRAP NO. 24-46-23-W1-00900.0070 O.R. 3682, PG. 1744
STRAP NO. 24-46-23-W1-00700.0340 PARCEL 1 INST. NO. 2006000369825
STRAP NO. 24-46-23-W1-00700.0330 PARCEL 2 INST. NO. 2006000369825
STRAP NO. 24-46-23-W1-00700.0340 PARCEL 5 INST. NO. 2006000369825
STRAP NO. 24-46-23-W1-00700.0340 PARCEL 6 INST. NO. 2006000369825
STRAP NO. 24-46-23-W1-00700.037A O.R. 4161, PG. 3372
STRAP NO. 24-46-23-W1-02100.00CE PINK SHELL VACATION VILLAS O.R. 1173, PG. 1496
STRAP NO. 24-46-23-W1-03700.00CE O.R. 3559, PG. 222
STRAP NO. 24-46-23-W1-03600.00CE ESTERO ISLAND BEACH VILLAS O.R. 2574, PG. 734
STRAP NO. 24-46-23-W1-02400.00CE O.R. 2606, PG. 3262
STRAP NO. 24-46-23-W1-00900.0010 INST. NO. 2021000213132
NORTHERLY LINE OF LOT 42
NORTHWESTERLY LINE OF LOT 38
APPROXIMATE COASTAL CONSTRUCTION SETBACK LINE (LEE COUNTY ORDINANCE NO. 76-3) (PB 31, PAGES 1-21) (SEE NOTE NO. 20)
EROSION CONTROL LINE PER P.B. 70, PG. 25 (SEE NOTE NO. 19)
PARKING SPACE ESMT. O.R. 4065, PG. 2672
6' WALKWAY ESMT. O.R. 4393, PG. 474 & O.R. 4394, PG. 3212 & O.R 4396, PG. 1005
SCENIC CORRIDOR ESMT. O.R. 4394, PG. 3212
5' WALKWAY ESMT. D.B. 254, PG. 553
3' WALKWAY ESMT. P.B. 9, PG. 41
6' WALKWAY ESMT. PER O.R. 4393, PG. 474 AND O.R. 4394, PG. 3212 SAID ESMT. VACATED PER O.R. 4394, PG. 3212
NORTHERLY 25' OF LOT 33 P.B. 9, PG. 37
FP&L U.E. O.R. 2572 PG. 1188
SOUTHERLY 75' OF LOT 31 P.B. 9, PG. 37
LOT 45 P.B. 9, PG. 41
LOT 44 P.B. 9, PG. 41
LOT 43 P.B. 9, PG. 41
LOT 42 P.B. 9, PG. 41
LOT 41 P.B. 9, PG. 41
LOT 40 P.B. 9, PG. 41
LOT 39 P.B. 9, PG. 41
LOT 38 P.B. 9, PG. 41
LOT 37 P.B. 9, PG. 41
LOT 40 P.B. 9, PG. 41
LOT 39 P.B. 9, PG. 41
LOT 38 P.B. 9, PG. 41
LOT 37 P.B. 9, PG. 41
LOT 36 P.B. 9, PG. 41
LOT 35 P.B. 9, PG. 41
LOT 34 P.B. 9, PG. 41
LOT 33 P.B. 9, PG. 41
LOT 32, BLOCK D P.B. 9, PG. 37
LOT 31, BLOCK D P.B. 9, PG. 37
LOT 30, BLOCK D P.B. 9, PG. 37
LOT 28, BLOCK D P.B. 9, PG. 37
SE 1/2 LOT 28 BLOCK D P.B. 9, PG. 37
NW 1/2 LOT 28 BLOCK D P.B. 9, PG. 37
W 1/2 LOT 27 BLOCK D P.B. 9, PG. 37
LOT 36 100' (P) P.B. 9, PG. 37
LOT 35 100' (P) P.B. 9, PG. 37
LOT 34 100' (P) P.B. 9, PG. 37
LOT 10 P.B. 9, PG. 88
LOT 9 P.B. 9, PG. 88
LOT 8 P.B. 9, PG. 88
LOT 7 P.B. 9, PG. 88
LOT 6 P.B. 9, PG. 88
LOT 5 P.B. 9, PG. 88
LOT 4 P.B. 9, PG. 88
LOT 3 P.B. 9, PG. 88
LOT 2 P.B. 9, PG. 88
LOT 1 P.B. 9, PG. 88
6' WALKWAY ESMT.
GULF OF MEXICO

AREA TABLE
= 8.40 ACRES
= 0.17 ACREA
= 1.80 ACRES
= 0.43 ACRES
TOTAL 10.80 ACRES

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
500	FND 1/2" IR, NO .I.D., 0.09' E & 0.38' N
501	FND 6" ROUND CM W/ N-D, "INK ENG. PCP REF LB 856"
502	SET 5/8" IR&C "T2 LB 8663"
503	FND 1/2" IR, NO .I.D.
504	FND 5/8" IR&C, ILLEGIBLE
505	FND 5/8" IR&C "LDFH INC. LB 959"
506	SET 5/8" IR&C "T2 LB 8663"
507	SET 5/8" IR&C "T2 LB 8663"
508	SET 5/8" IR&C "T2 LB 8663"
509	FND 5/8" IR&C "LDFH INC. LB 959"
510	SET 5/8" IR&C "T2 LB 8663"
511	FND N-D NO I.D.
512	SET 5/8" IR&C "T2 LB 8663"
513	SET 5/8" IR&C "T2 LB 8663"
514	SET 5/8" IR&C "T2 LB 8663"
515	SET 5/8" IR&C "T2 LB 8663"
516	SET 5/8" IR&C "T2 LB 8663"

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
517	SET 5/8" IR&C "T2 LB 8663"
518	FND 5/8" IR&C "LDFH INC. LB 959" 0.23' E & 0.32' N
519	SET 5/8" IR&C "T2 LB 8663"
520	SET 5/8" IR&C "T2 LB 8663"
521	SET 5/8" IR&C "T2 LB 8663"
522	SET 5/8" IR&C "T2 LB 8663"
523	SET 5/8" IR&C "T2 LB 8663"
524	SET 5/8" IR&C "T2 LB 8663"
525	SET N-D "T2 LB 8663"
526	SET N-D "T2 LB 8663"
527	SET N-D "T2 LB 8663"
528	SET N-D "T2 LB 8663"
529	FND 5/8" "INK ENG. LB 856"
530	SET 5/8" IR&C "T2 LB 8663"
531	SET 5/8" IR&C "T2 LB 8663"
532	SET 5/8" IR&C "T2 LB 8663"
533	SET 5/8" IR&C "T2 LB 8663"

BOUNDARY POINT TABLE	
POINT	DESCRIPTION
534	SET N-D "T2 LB 8663"
535	FND 4" X 4" CM "LB 642" 0.37' E & 0.48' N
536	SET 5/8" IR&C "T2 LB 8663"
537	FND 3/4" I.P., NO I.D.
538	SET 5/8" IR&C "T2 LB 8663"
539	SET 5/8" IR&C "T2 LB 8663"
540	SET 5/8" IR&C "T2 LB 8663"
541	SET 5/8" IR&C "T2 LB 8663"
542	SET 5/8" IR&C "T2 LB 8663"
543	FND N-D ILLEGIBLE
544	FND N-D, "INK ENG. PCP REF LB 856"
545	FND N-D, "INK ENG. PCP REF LB 856"
546	FND N-D, "INK ENG. PCP REF LB 856"
547	FND N-D "LDFH LB 959"
548	FND 5/8" IR&C "RKB LB 6133"

LINE TABLE		
LINE	BEARING	DISTANCE
L-53 (C)	S 39 51'35" E	88.85'
L-54 (C)	S 40 20'58" E	15.12'
L-55 (C)	S 39 49'33" E	2.62'
L-56 (C)	S 39 49'33" E	26.97'
L-57 (C)	S 40 02'49" E	37.52'
L-58 (C)	S 39 56'38" E	68.33'
L-59 (C)	S 39 51'07" E	30.29'
L-60 (C)	S 39 51'07" E	118.82'
L-61 (C)	S 43 49'43" W	8.68'
L-62 (C)	S 40 17'54" W	4.03'
L-63 (C)	S 52 50'26" E	75.16'
L-64 (C)	S 51 09'45" E	36.30'
L-65 (C)	S 38 50'15" W	0.33'
L-66 (C)	S 54 12'31" E	41.31'
L-67 (C)	S 54 12'31" E	3.08'
L-68 (C)	N 37 22'35" E	0.42'
L-69 (C)	S 53 33'35" E	46.76'
L-70 (C)	S 55 27'10" E	1.27'
L-71 (C)	N 47 53'59" E	112.33'
L-72	N 42 06'01" W	50.00'

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

FOR: LEE COUNTY

REVISION	DATE
SHEET 2 ACREAGE TABLE	5-10-23

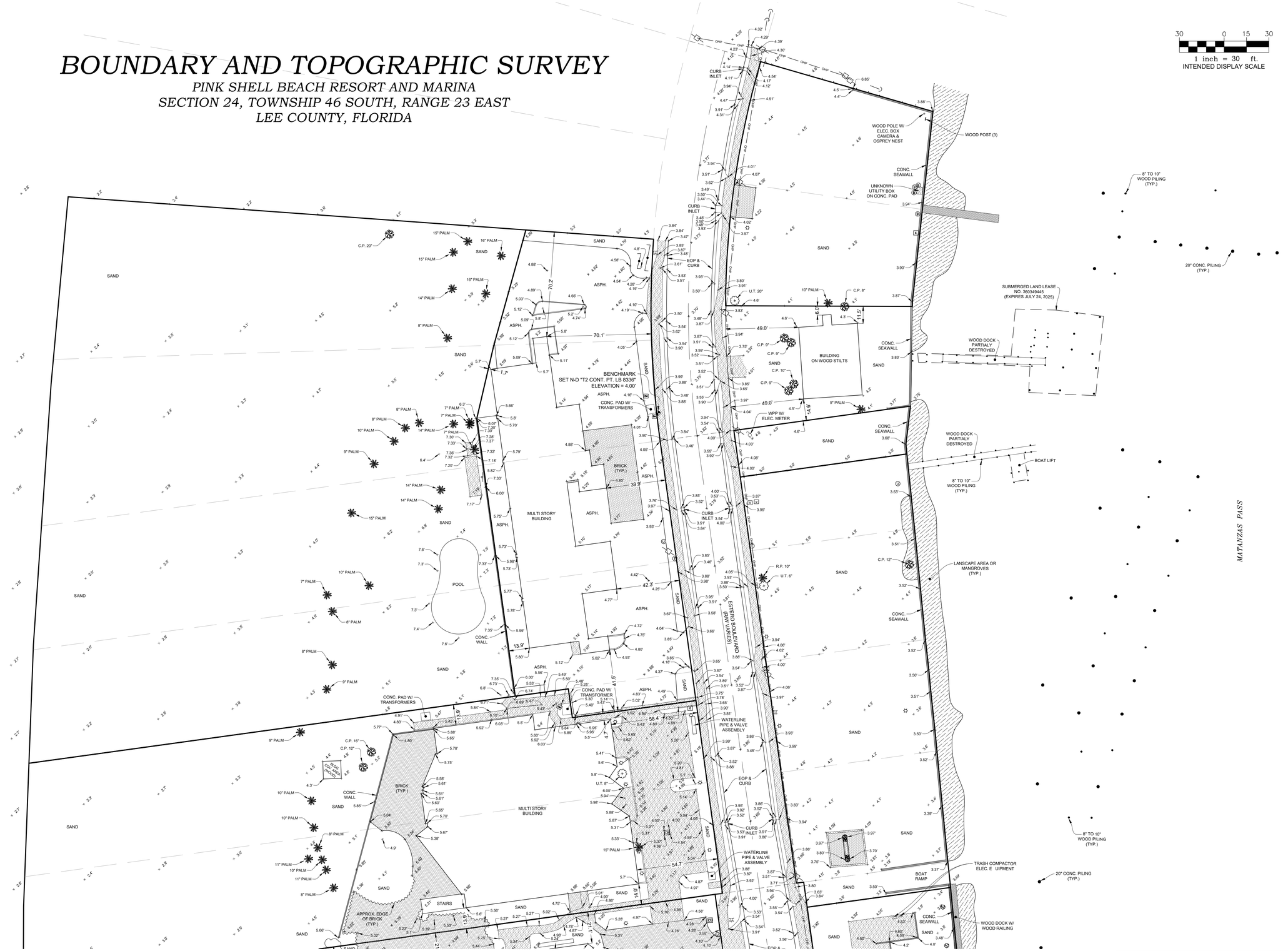
DWG. DATE:	2-9-2023
SURVEY DATE:	3-13-2023
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
COUNTY:	LEE
SEC:	24-46-23
PROJECT NUMBER:	220702.04
DWG. NUMBER:	220702.04 - BNDT

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

J:\ETMODATA\2022\220702.04 - CW3 - PINK SHELL\DRAWING\220702.04 - BNDT.DWG 6/16/2023 7:04 AM

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA



SEE SHEET 4 OF 4

CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

FOR:

REVISION	DATE
1	5-9-23
2	
3	
SHEET 2 ACREAGE TABLE	

DWG. DATE:	2-9-2023
SURVEY DATE:	3-13-2023
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.

COUNTY:	LEE
SEC.	24-46-23
PROJECT NUMBER:	220702.04
DWG. NUMBER:	220702.04 - BNDT

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

J:\ENGDATA\2022\220702.04 - CW3 - PINK SHELL\DRAWINGS\220702.04 - BNDT.DWG 6/19/2023 7:55 AM

BOUNDARY AND TOPOGRAPHIC SURVEY

PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

SEE SHEET 3 OF 4

30 0 15 30
1 inch = 30 ft.
INTENDED DISPLAY SCALE

GULF OF MEXICO

MATANZAS PASS

BENCHMARK
SET N-D "T2 CONT. PT. LB 8336"
ELEVATION = 3.51'

REVISION	DATE
SHEET 2 ACREAGE TABLE	5-19-23

DWG. DATE:	2-9-2023
SURVEY DATE:	3-13-2023
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.

COUNTY:	LEE
SEC.	24-46-23
PROJECT NUMBER:	220702.04
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FOR:
CW3 ENGINEERING, INC.
5783 BAYSHORE ROAD, SUITE 113
N. FORT MYERS, FLORIDA 33917

BOUNDARY AND TOPOGRAPHIC SURVEY
PINK SHELL BEACH RESORT AND MARINA
SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

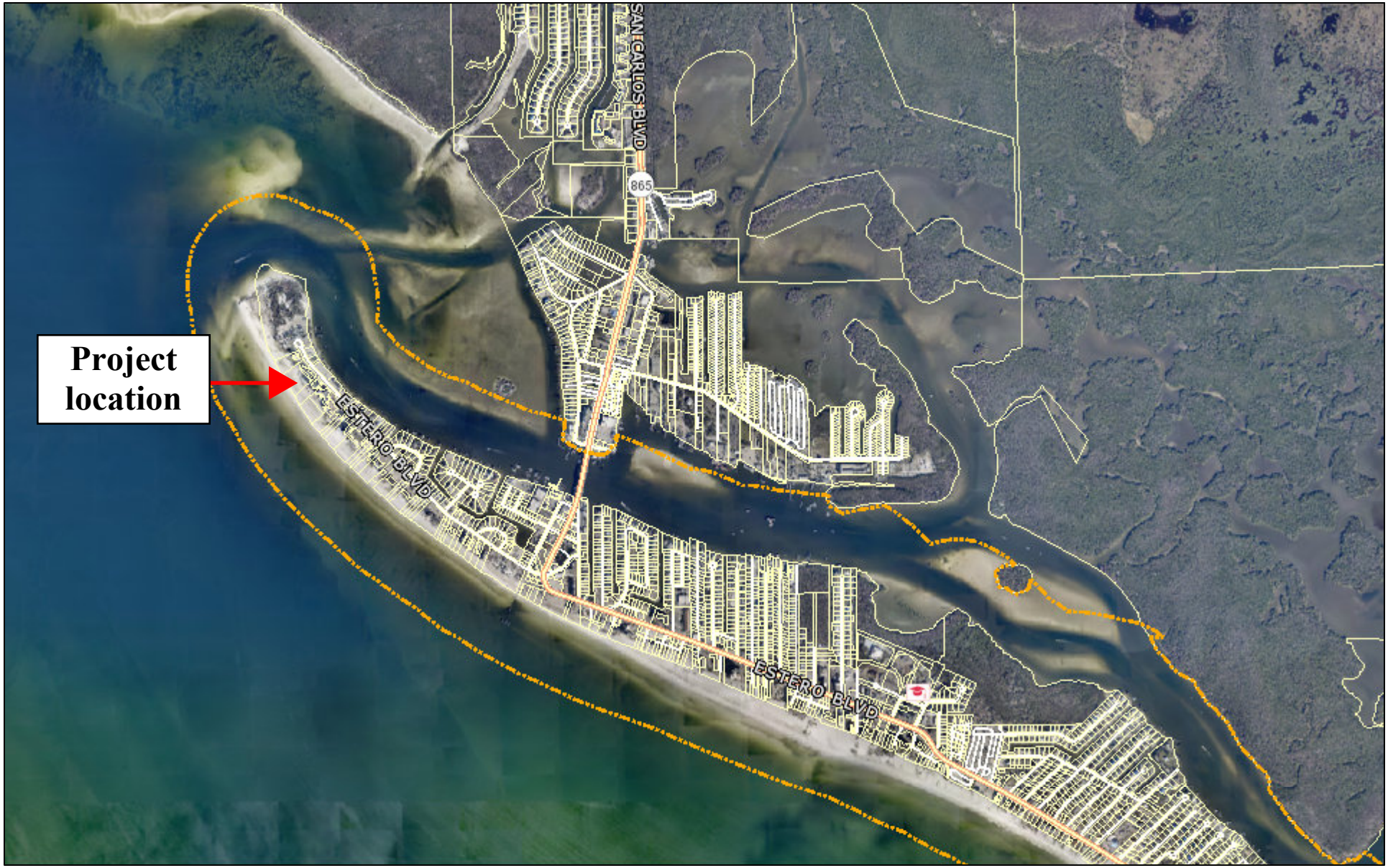
T2 utility engineers
5670 Zip Drive
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Tel: 239.277.0722
Fax: 239.277.7179

J:\FTM\DATA\2022\220702.04 - CW3 - PINK SHELL\DRAWING\220702.04 - BNDT.DWG 6/19/2023 7:09 AM

EXHIBIT 6-3

AREA LOCATION MAP

EXHIBIT 6-3
AREA LOCATION MAP



October 19, 2023

Air Photos: 2023 Hi-Res (3 inch)

HospitalLocations

Library Locations

School Locations

School Locations

CCC_Parks

County Boundary

Major Roads Medium

I - 75

US 41

Other Highways

Other Roads

1:24,000

0 1,100 2,200 4,400 ft

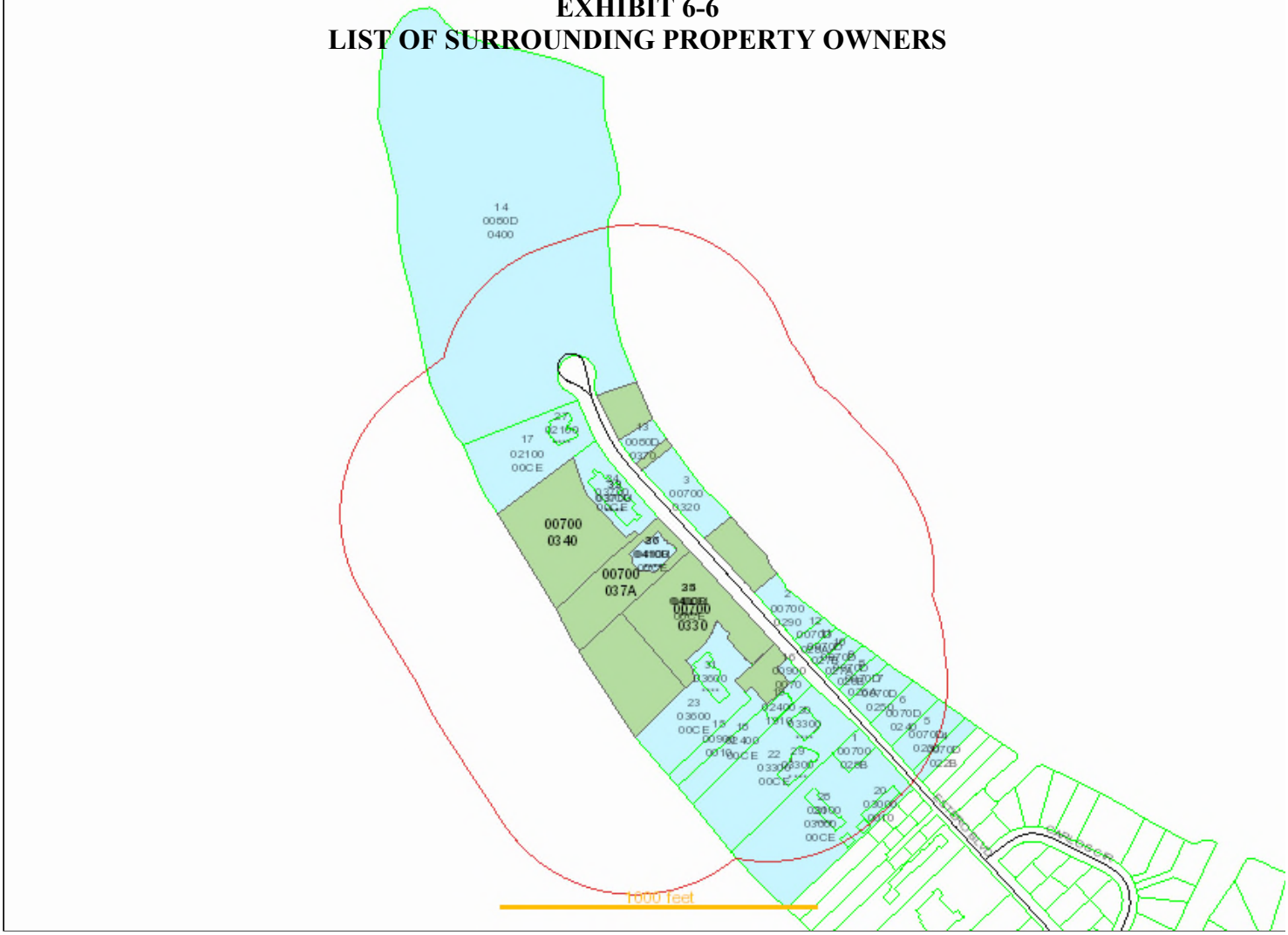
0 330 660 1,320 m

This map is NOT a legal land survey and should not be used or relied upon as such.
No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

EXHIBIT 6-6

LIST OF SURROUNDING PROPERTY OWNERS

EXHIBIT 6-6
LIST OF SURROUNDING PROPERTY OWNERS



Date of Report: October 19, 2023

Buffer Distance: 500 feet Rerun

Parcels Affected: 432

Subject Parcels: **24-46-23-W1-00700.0330, 24-46-23-W1-00700.0340, 24-46-23-W1-00700.037A**

To change, add or remove subject parcels please change the parcel selection in GeoView

Click here to download the map image, mailing labels (Avery 5161) and CSV formatted information.

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
WINDWARD PASSAGE RESORT CONDO VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	**24-46-23-W1-00700.028B** 406 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 PB 9 PG 37 LOT PT 28	1
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-00700.0290** 251-281 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 1/2 OF LT 28 LT 29 + 30 + SE 20 FT OF LOT 31 BLK D UT 4 ISLAND SHORES PB 9 PG 37	2
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-00700.0320** 171-191 ESTERO BLVD FORT MYERS BEACH FL 33931	NW 17 FT OF LT 32 + LTS 33 + 34 + 35 + SE 50 FT LT 36 BLK D UT 4 ISLAND SHORES PB 9 PG 37	3
BLAUM BRIAN C TR 220 EMERSON PL #201 DAVENPORT IA 52801	**24-46-23-W1-0070D.022B** 431 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 NWLY 50 FT LOT 22	4

MCCHESNEY KEVIN E TR 417 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-0070D.0230** 417 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 23	5
SILVER KING VENTURES LLC 353 CLIFTON AVE KINGSTON NY 12401	**24-46-23-W1-0070D.0240** 405 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 24	6
385 ESTERO BLVD LLC 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	**24-46-23-W1-0070D.0250** 385 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 LOT 25	7
DAVIS JAMES & KIMBERLY 327 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-0070D.026A** 327 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 E 1/2 LOT 26	8
COOPER FMB LLC PO BOX 501 HOWELL MI 48844	**24-46-23-W1-0070D.026B** 325 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 W 1/2 LOT 26	9
HOLSEM JACK 505 JACKSON ST GRANDVILLE MI 49418	**24-46-23-W1-0070D.027A** 319 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 E 1/2 LOT 27	10
EDWARDS PAUL G L/E 315 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-0070D.027B** 315 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 W 1/2 LOT 27	11
JABO LLC 275 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-0070D.028A** 309 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES UNIT 4 BLK D PB 9 PG 37 THE SELY 1/2 LOT 28	12
KAMINSKIY AT 131 ESTERO LLC 12463 RANCHO BERNARDO RD #237 SAN DIEGO CA 92128	**24-46-23-W1-0080D.0370** 131/133 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LOT 37	13
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**24-46-23-W1-0080D.0400** 50/58 ESTERO BLVD FORT MYERS BEACH FL 33931	ISLAND SHORES CLUB SEC BLK D PB 9 PG 41 LTS 40-43 BLK E + BLK F LTS 45-48	14
ZENG GORDAN G & ZHU DONGHE + 145 LAWRENCE DR SHORT HILLS NJ 07078	**24-46-23-W1-00900.0010** 324 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE PB 9 PG 88 LOT 1	15
JAMES F BRYANT TRUST + 27 FOREST BAY LN CICERO IN 46034	**24-46-23-W1-00900.0070** 320 ESTERO BLVD FORT MYERS BEACH FL 33931	GULF SHORE SUBD PB 9 PG 88 LOT 7	16
PINK SHELL VACATION VILLAS SUITOR MIDDLETON COX & ASSOC 15751 SAN CARLOS BLVD STE 8 FORT MYERS FL 33908	**24-46-23-W1-02100.00CE** 102 ESTERO BLVD FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS COMMON AREA OR 1173 PG 1496	17
PINK SHELL BEACH CLUB CONDO 275 ESTERI BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-02400.00CE** 328 ESTERO BLVD FORT MYERS BEACH FL 33931	PINK SHELL BEACH CLUB I CONDO A TIME-SHARE COMMON AREA DESC IN OR BK 2606 PG 3252	18
PINK SHELL BEACH CLUB VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	**24-46-23-W1-02400.1910** 326 ESTERO BLVD #191 FORT MYERS BEACH FL 33931	PINK SHELL BEACH CLUB I A TIME-SHARE OR1429-2219 UNITS 191-593 / 15 UNITS	19
WINDWARD PASSAGE RESORT VACATION RESORTS INTL 25510 COMMERCENTRE DR STE 100 LAKE FOREST CA 92630	**24-46-23-W1-03000.0010** 418 ESTERO BLVD FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT A TIME-SHARE OR1578-0728 UNIT 1 THRU 408 / 52 UNITS	20
WINDWARD PASSAGE RESORT 418 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-03000.00CE** 420 ESTERO BLVD FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT CONDO A TIME-SHARE COMMON AREA OR BK 1578 PG 0728	21
ISLAND SHORES CONDO 394 ESTERO BLVD	**24-46-23-W1-03300.00CE** 394 ESTERO BLVD	ISLAND SHORES CONDO COMMON AREA	22

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	DESC OR BK 1817 PG 1137 + CPB 12 PG 34	
ESTERO ISLAND BEACH VILLAS CONDO PHASES 1 + 2 250 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-03600.00CE** 252 ESTERO BLVD FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS CONDO PHS 1+2 DESC OR2574 PG0734 CE:LAND ONLY	23
SANIBEL VIEW VILLAS CONDO ASOC	**24-46-23-W1-03700.00CE** 142 ESTERO BLVD FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO AS DESC IN OR 3559 PG 222 COMMON ELEMENTS	24
WHITE SAND VILLAS CONDO ASSN 200 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-04000.00CE** 202 ESTERO BLVD FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 COMMON ELEMENTS	25
CAPTIVA VILLAS 275 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-04100.00CE** 192 ESTERO BLVD FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COMMON ELEMENT	26
FUN & SUN LLC PO BOX 07264 FORT MYERS FL 33919	**24-46-23-W1-02100.1310** 100 ESTERO BLVD #131 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 131	27
100 ESTERO BLVD LLC 844 TENACITY DR LONGMONT CO 80504	**24-46-23-W1-02100.1320** 100 ESTERO BLVD #132 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 132	27
BAGGOT HOLLY S & ANDREW P 6644 N CHICKAHAUK TRL MIDDLETON WI 53562	**24-46-23-W1-02100.1330** 100 ESTERO BLVD #133 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 133	27
WALTERS CHRISTINE 224 CARRANZA RD TABERNACLE NJ 08088	**24-46-23-W1-02100.1340** 100 ESTERO BLVD #134 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 134	27
BURNS ROBERT & 5965 BAKER CT FORT MYERS FL 33919	**24-46-23-W1-02100.1350** 100 ESTERO BLVD #135 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 135	27
STEDER PATRICIA B + 9820 STERLING DR CUTLER BAY FL 33157	**24-46-23-W1-02100.2310** 100 ESTERO BLVD #231 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 231	27
UNKNOWN HEIRS OF 582 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-02100.2320** 100 ESTERO BLVD #232 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 232	27
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	**24-46-23-W1-02100.2330** 100 ESTERO BLVD #233 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 233	27
HARRIS ELSIE KAY + 1043 HEATHER HILLS LN LEXINGTON KY 40511	**24-46-23-W1-02100.2340** 100 ESTERO BLVD #234 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 234	27
A&H 100 ESTERO FMB LLC 6644 N CHICKAHAUK TRAIL MIDDLETON WI 53562	**24-46-23-W1-02100.2350** 100 ESTERO BLVD #235 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 235	27
STIGEN REED A & VICKI L 711 NORTHRIDGE WAY WEST FARGO ND 58078	**24-46-23-W1-02100.3310** 100 ESTERO BLVD #331 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 331	27
ALMAGUER SUZANNE DAVIS 5541 NW 49TH TER COCONUT CREEK FL 33073	**24-46-23-W1-02100.3320** 100 ESTERO BLVD #332 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 332	27
TTK ENTERPRISES LLC 15 TREMORE WAY HOLLAND OH 43528	**24-46-23-W1-02100.3330** 100 ESTERO BLVD #333 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 333	27
SCHOLZ W W & ANGELA L 105 BENTLEY DR LATHAM NY 12110	**24-46-23-W1-02100.3340** 100 ESTERO BLVD #334 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 334	27

CASSIDY RICHARD + 65-25 160TH ST #20B FRESH MEADOWS NY 11365	**24-46-23-W1-02100.3350** 100 ESTERO BLVD #335 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 335	27
OUDERSLUYS CAROL S TR 7117 PELICAN BAY BLVD #1901 NAPLES FL 34108	**24-46-23-W1-02100.4310** 100 ESTERO BLVD #431 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 431	27
CICCONE NATALE + 1239 CEDAR RD SOUTHPORT CT 06890	**24-46-23-W1-02100.4320** 100 ESTERO BLVD #432 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 432	27
MCGINNITY MARTHA TR 440 CARROLLWOOD DR TARRYTOWN NY 10591	**24-46-23-W1-02100.4330** 100 ESTERO BLVD #433 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 433	27
RYFFEL-KRAGH AMY 23939 WINBERLY OAK SAN ANTONIO TX 78261	**24-46-23-W1-02100.4340** 100 ESTERO BLVD #434 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 434	27
SHEPKA ELYSE + 1642 S FOUNTAINHEAD RD FORT MYERS FL 33919	**24-46-23-W1-02100.4350** 100 ESTERO BLVD #435 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 435	27
RYREAL FLORIDA LLC MARY K HERMAN 27 STANTON LN STAMFORD CT 06902	**24-46-23-W1-02100.5310** 100 ESTERO BLVD #531 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 531	27
FLANAGAN MICHAEL P & ANNA L TR 18104 BLUE HERON POINTE DR NORTHVILLE MI 48168	**24-46-23-W1-02100.5320** 100 ESTERO BLVD #532 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 532	27
SCHULTE WAYNE D & PO BOX 268 ELLSWORTH WI 54011	**24-46-23-W1-02100.5330** 100 ESTERO BLVD #533 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 533	27
SCROGGIE PHYLLIS T TR PO BOX 61596 FORT MYERS FL 33906	**24-46-23-W1-02100.5340** 100 ESTERO BLVD #534 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 534	27
REGGIE 535 LLC 2353 GREENWOOD RD NORTHBROOK IL 60062	**24-46-23-W1-02100.5350** 100 ESTERO BLVD #535 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 535	27
PINK SHELL PROPERTIES LLC MOIRA FAHEY-ULLRICH 94 LOWER LOCH VISTA DR WILLIAMS BAY WI 53191	**24-46-23-W1-02100.6310** 100 ESTERO BLVD #631 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 631	27
MERVIN + MELISSA LARSON TRUST 4 FIRST ST EXCELSIOR MN 55331	**24-46-23-W1-02100.6320** 100 ESTERO BLVD #632 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 632	27
CMME PROPERTIES LLC 9523 CLAYCHIN CT BURKE VA 22015	**24-46-23-W1-02100.6330** 100 ESTERO BLVD #633 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 633	27
AGUIRRE PENNY J TR 8424 40TH AVE N NEW HOPE MN 55427	**24-46-23-W1-02100.6340** 100 ESTERO BLVD #634 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 634	27
TL 5109 LLC 180 WASHINGTON ST GOLDEN CO 80403	**24-46-23-W1-02100.6350** 100 ESTERO BLVD #635 FORT MYERS BEACH FL 33931	PINK SHELL VACATION VILLAS OR 1173 PG 1496 UNIT 635	27
SEARENITY WPR LLC RAYMOND HUNT 7N982 CLOVERFIELD DR SAINT CHARLES IL 60175	**24-46-23-W1-03000.5010** 418 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	WINDWARD PASSAGE RESORT CONDO OR 1578 PG 728 UNIT 501	28
FRITZ LAURA L TR 814 W MOUNT PLEASANT RD	**24-46-23-W1-03000.5020** 418 ESTERO BLVD #502	WINDWARD PASSAGE RESORT CONDO OR 1578 PG 728	28

EVANSVILLE IN 47711	FORT MYERS BEACH FL 33931	UNIT 502	
SCHERER DEBRA E TR 18215 LANSFORD PATH LAKEVILLE MN 55044	**24-46-23-W1-03300.1010** 394 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 101	29
BORNEMAN DAVID C & DINA E 394 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.1020** 394 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 102	29
FIGURA MICHAEL A & CAROL A 394 ESTERO BLVD # 103 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.1030** 394 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 103	29
ROBINSON CAROL L TR + 105 CROSSBOW TRAILS LAWRENCEBURG IN 47025	**24-46-23-W1-03300.1040** 394 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 104	29
YORDY MICHAEL E TR 26700 BROADWAY RD MORTON IL 61550	**24-46-23-W1-03300.2010** 394 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 201	29
ROHRBACHER MICHAEL & 394 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.2020** 394 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 202	29
LOVELESS ENTERPRISES INC 210 SPRINGFIELD RD GILLESPIE IL 62033	**24-46-23-W1-03300.2030** 394 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 203	29
DANGELO JANE M TR 394 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.2040** 394 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 204	29
KING MICHAEL G PO BOX 3001 DUBLIN OH 43016	**24-46-23-W1-03300.3010** 394 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 301	29
DIFFLEY CHRISTOPHER P & 394 ESTERO BLVD # 302 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.3020** 394 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 302	29
ARENS ROBERT W TR 11431 LONGWATER CHASE CT FORT MYERS FL 33908	**24-46-23-W1-03300.3030** 394 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 303	29
MAREK CHARLES B JR + 4021 BAY DR MIDDLE RIVER MD 21220	**24-46-23-W1-03300.3040** 394 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 304	29
KRINKIE JODETTE M & BRUCE J TR 6881 BLACKDUCK DR LINO LAKES MN 55014	**24-46-23-W1-03300.4010** 394 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 401	29
CATHERINE G SCHOLZ 2007 TRUST 5 FIDDLEHEAD LN WAYLAND MA 01778	**24-46-23-W1-03300.4020** 394 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 402	29
BARNHART DAVID W PO BOX 14536 MINNEAPOLIS MN 55414	**24-46-23-W1-03300.4030** 394 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 403	29
MIDDLESWARTH DAVID B TR 500 MEADOW LN MIDDLEBURG PA 17842	**24-46-23-W1-03300.4040** 394 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 404	29
BENES ANDREW C TR 1127 HIGHLAND POINTE DR SAINT LOUIS MO 63131	**24-46-23-W1-03300.5010** 394 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 501	29
BENES ANDREW C & JENNIFER J 1127 HIGHLAND POINTE DR SAINT LOUIS MO 63131	**24-46-23-W1-03300.5020** 394 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 502	29
GERMAN PATRICIA A TR 394 ESTERO BLVD #503	**24-46-23-W1-03300.5030** 394 ESTERO BLVD #503	ISLAND SHORES CONDO OR 1817 PG 1137	29

FORT MYERS BEACH FL 33931	FORT MYERS BEACH FL 33931	UNIT 503	
CAPENIGRO ANTHONY T & 22W160 PINEGROVE CT GLEN ELLYN IL 60137	**24-46-23-W1-03300.5040** 394 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 504	29
LLOYD JOHN D & STEPHANIE J TR 15725 OREGON AVE PRIOR LAKE MN 55372	**24-46-23-W1-03300.6010** 394 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 601	29
LLOYD JOHN D & STEPHANIE J TR 15275 OREGON AVE PRIOR LAKE MN 55372	**24-46-23-W1-03300.6020** 394 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 602	29
MIDDLESWARTH DAVID B 500 MEADOW LN MIDDLEBURG PA 17842	**24-46-23-W1-03300.6030** 394 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 603	29
MILLIRON GRANT E TR 2384 STATE ROUTE 39 NW MANSFIELD OH 44903	**24-46-23-W1-03300.6040** 394 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 604	29
SIEVERTSEN DOLORES C TR 15492 LEONARD RD SPRING LAKE MI 49456	**24-46-23-W1-03300.1050** 392 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 105	30
EASTON FAMILY LLC 24523 WEST PELLINORE DR JOLIET IL 60404	**24-46-23-W1-03300.1060** 392 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 106	30
EASTON MELODEE M TR 24523 W PELLINORE DR JOLIET IL 60404	**24-46-23-W1-03300.1070** 392 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 107	30
ENGELSMAN JAMES + RHONDA TR 1184 64TH AVE ZEELAND MI 49464	**24-46-23-W1-03300.2050** 392 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 205	30
HENSLEY DANIEL L & SHERYL L/E PO BOX 547 MOUND MN 55364	**24-46-23-W1-03300.2060** 392 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 206	30
STOOPS JEFFREY E + 3808 CLAYBROOK CT BARGERSVILLE IN 46106	**24-46-23-W1-03300.2070** 392 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 207	30
WELLS GWENDOLYN M + 4021 BAY DR MIDDLE RIVER MD 21220	**24-46-23-W1-03300.3050** 392 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 305	30
ANGELA M ROCHE TRUST + 2243 RE PINE LN SW ROCHESTER MN 55902	**24-46-23-W1-03300.3060** 392 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 306	30
LIOTTA SAVATORE & CONCETTA 6 OAK BROOK CLUB DR APT J101 OAK BROOK IL 60523	**24-46-23-W1-03300.3070** 392 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 307	30
STUTZ SHARON A TR 47790 STATE ROUTE 162 WELLINGTON OH 44090	**24-46-23-W1-03300.4050** 392 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 405	30
COVERT ROBERT & LOUISE B TR 9403 GIBSON DR POWELL OH 43065	**24-46-23-W1-03300.4060** 392 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 406	30
DEMARY JULE A + 930 VILLAGE BROOK WAY COLUMBUS OH 43235	**24-46-23-W1-03300.4070** 392 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 407	30
CALUSA LLC 22774 CITATION RD FRANKFORT IL 60423	**24-46-23-W1-03300.5050** 392 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 505	30
MCK HOLDINGS (2018) LIMITED 200140 SIDE RD 10 RR 1	**24-46-23-W1-03300.5060** 392 ESTERO BLVD #506	ISLAND SHORES CONDO OR 1817 PG 1137	30

SHALLOW LAKE ON N0H 2K0 CANADA	FORT MYERS BEACH FL 33931	UNIT 506	
WIESSING CAROL S TR 2403 LOWELL AVE SPRINGFIELD IL 62704	**24-46-23-W1-03300.5070** 392 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 507	30
LANDISI ANNE MARIE T 392 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.6050** 392 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 605	30
MCSPEDON TRUST 750 RUSHMORE AVE MAMARONECK NY 10543	**24-46-23-W1-03300.6060** 392 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 606	30
NUNN JOYCE M TR 392 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	**24-46-23-W1-03300.6070** 392 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	ISLAND SHORES CONDO OR 1817 PG 1137 UNIT 607	30
BOERMAN DANIEL J + 2420 DAVEY RD WOODRIDGE IL 60517	**24-46-23-W1-03600.1010** 250 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 101	31
MASSEY STEVEN MICHAEL & 1864 SUMMIT LANE MENDOTA HEIGHTS MN 55118	**24-46-23-W1-03600.1020** 250 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 102	31
JOHNSON GORDON R & HOPE Y TR 6409 DORON LN EDINA MN 55439	**24-46-23-W1-03600.1030** 250 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 103	31
FM BEACH LLC 4441 CORNWELL LN WHITMORE LAKE MI 48189	**24-46-23-W1-03600.1040** 250 ESTERO BLVD #104 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR 2574 PG 0734 PH 1 UNIT 104	31
HULL PETER H + 1982 AUTUMN BROOK TRL HINCKLEY OH 44233	**24-46-23-W1-03600.1050** 250 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 105	31
ANDREW W PLACE TRUST + 1628 ROCK WOOD LN MISHAWAKA IN 46545	**24-46-23-W1-03600.1060** 250 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 106	31
BASSEL ROBERT N & 9008 HACK RD CLINTON MI 49236	**24-46-23-W1-03600.2010** 250 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 201	31
SHAFFER RICHARD TR PO BOX 3075 FORT MYERS BEACH FL 33932	**24-46-23-W1-03600.2020** 250 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 202	31
ZASTROW TODD W & LYNN P 1051 N JAMEY LN ADDISON IL 60101	**24-46-23-W1-03600.2030** 250 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 203	31
SCHUBERT CHARLES B & AMY L 344 HAMBLETONIAN DR OAK BROOK IL 60523	**24-46-23-W1-03600.2040** 250 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 204	31
MURRAY WILLIS OLTMAN TRUST + 36490 OLD MILL BRIDGE RD FRANKFORD DE 19945	**24-46-23-W1-03600.2050** 250 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 205	31

SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	**24-46-23-W1-03600.2060** 250 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 206	31
KOUMJIAN RICHARD H & 14220 ROYAL HARBOUR CT #511 FORT MYERS FL 33908	**24-46-23-W1-03600.3010** 250 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 301	31
TOWNSEND TREASURE LLC 3516 YORK RD OAK BROOK IL 60523	**24-46-23-W1-03600.3020** 250 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 302	31
MALOCO LLC 36 SUFFOLK DR SAINT CHARLES MO 63301	**24-46-23-W1-03600.3030** 250 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 303	31
ODONELL WILLIAM M & 415 COLFAX AVE CLARENDON HILLS IL 60514	**24-46-23-W1-03600.3040** 250 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 304	31
FAHY BRYAN 421 OCEAN BLVD #5N HAMPTON NH 03842	**24-46-23-W1-03600.3050** 250 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 305	31
WALZ PATRICIA M TR 20363 CARA AVE CASSOPOLIS MI 49031	**24-46-23-W1-03600.3060** 250 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 306	31
WALZ JAMES E & MARGERY L 9250 BAYBERRY BEND APT 201 FORT MYERS FL 33908	**24-46-23-W1-03600.4010** 250 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 401	31
JAKOVY PROPERTIES LLC 1264 CANDLEWOOD CT DOWNERS GROVE IL 60515	**24-46-23-W1-03600.4020** 250 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 402	31
J + L BOWEN LLC 1613 CAROLINA ORCHARDS BLVD FORT MILL SC 29715	**24-46-23-W1-03600.4030** 250 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 403	31
PETH NICHOLAS A 1629 E STATE ROUTE 73 WAYNESVILLE OH 45068	**24-46-23-W1-03600.4040** 250 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 404	31
M LANE FARMS LLC 1456 E 1000 NORTH RD TAYLORVILLE IL 62568	**24-46-23-W1-03600.4050** 250 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 405	31
CLENNON LAWRENCE 20641 W COUNTY RD WILMINGTON IL 60481	**24-46-23-W1-03600.4060** 250 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 406	31
WENTWORTH JEFFREY R 3630 LOWER SPRINGBORO RD WAYNESVILLE OH 45068	**24-46-23-W1-03600.5010** 250 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 501	31
ANDREWS BERNARD C TR 8355 CHESAPEAKE DR	**24-46-23-W1-03600.5020** 250 ESTERO BLVD #502	ESTERO ISLAND BEACH VILLAS	31

NORTH RIDGEVILLE OH 44039	FORT MYERS BEACH FL 33931	DESC OR2574 PG 0734 PH 1 UNIT 502	
CONNOLLY PAUL A & 5780 WILLOW LN N SHOREVIEW MN 55126	**24-46-23-W1-03600.5030** 250 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 503	31
TOWNSEND DOUGLAS Y 2060 COMMERCE DR SIDNEY OH 45365	**24-46-23-W1-03600.5040** 250 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 504	31
SANDCASTLE BEACH PROPERTIES LL 11887 WILLIAMS COUNTY RD 15 MONTPELIER OH 43543	**24-46-23-W1-03600.5050** 250 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 505	31
DOAN BEVERLY CLARKE & 9737 WADSWORTH BLVD WESTMINSTER CO 80021	**24-46-23-W1-03600.5060** 250 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 506	31
SCHUBERT CHARLES & AMY 344 HAMLETONIAN DR OAK BROOK IL 60523	**24-46-23-W1-03600.6010** 250 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 601	31
LEVEE STUART E & CAROL A 9217 WILLOWCREST CT FORT MYERS FL 33908	**24-46-23-W1-03600.6020** 250 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 602	31
LAIRMORE BRANDON & BRANDI 7651 COLDSTREAM WOODS DR CINCINNATI OH 45255	**24-46-23-W1-03600.6030** 250 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 603	31
SEQUEIRA THOMAS M & 6960 NORVALE CIR W GATES MILLS OH 44040	**24-46-23-W1-03600.6040** 250 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 604	31
RUCKER JOHN T & LOUSIE 5792 ROYAL LYTHAM CT DUBLIN OH 43017	**24-46-23-W1-03600.6050** 250 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 605	31
T JOY RENTALS LLC 211 W HIGH ST BRYAN OH 43506	**24-46-23-W1-03600.6060** 250 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG 0734 PH 1 UNIT 606	31
KM INVESTMENTS LLC 1721 W BIKE ST BREMEN IN 46506	**24-46-23-W1-03600.7010** 250 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 701	31
MANAGER LINK LLC 3404 ADAMS RD OAK BROOK IL 60523	**24-46-23-W1-03600.7020** 250 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 702	31
SWEET SAMUEL & KATHLEEN A 1595 JOHN PAUL CT OXFORD MI 48371	**24-46-23-W1-03600.7030** 250 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 703	31
FINISH STRONG LLC 673 CADDE TRAIL SCROGGINS TX 75480	**24-46-23-W1-03600.7040** 250 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 704	31

VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-03600.7050** 250 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 705	31
BROWN DAVID L TR 13 WARD LN CINCINNATI OH 45246	**24-46-23-W1-03600.7060** 250 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	ESTERO ISLAND BEACH VILLAS DESC OR2574 PG0824 PH 2 UNIT 706	31
DEUTSCH RANDALL P & KAREN M 1524 WATERFORD RD NORTH AURORA IL 60542	**24-46-23-W1-03700.2101** 140 ESTERO BLVD #2101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2101	32
LAYMAN JOSEPH E & MONICA B TR 140 ALLEN ST WALWORTH WI 53184	**24-46-23-W1-03700.2102** 140 ESTERO BLVD #2102 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2102	32
PREMIUM PROPERTIES LP 440 W CAIRNS ST ELLSWORTH WI 54011	**24-46-23-W1-03700.2103** 140 ESTERO BLVD #2103 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2103	32
JOSEPH N NAMOUR TRUST + 18340 CREEK DR FORT MYERS FL 33908	**24-46-23-W1-03700.2104** 140 ESTERO BLVD #2104 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2104	32
KLB HOLDINGS LLC 6041 NORTH LINDBERG HAZELWOOD MO 63042	**24-46-23-W1-03700.2105** 140 ESTERO BLVD #2105 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2105	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2106** 140 ESTERO BLVD #2106 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2106	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2107** 140 ESTERO BLVD #2107 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2107	32
MASON GEORGE E & ALICIA D L/E 3436 COUNTRYSIDE PATH THE VILLAGES FL 32163	**24-46-23-W1-03700.2108** 140 ESTERO BLVD #2108 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2108	32
SHEMROSKE JIM & LISA J + 13412 ROUND BARD RD PLAINFIELD IL 60585	**24-46-23-W1-03700.2109** 140 ESTERO BLVD #2109 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2109	32
FICK RICHARD C & CAROLINE T 4311 WIMBLEDON DR HARRISBURG PA 17112	**24-46-23-W1-03700.2110** 140 ESTERO BLVD #2110 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2110	32
CLIFFORD DANIEL EUGENE & 1442 194TH AVE BALSAM LAKE WI 54810	**24-46-23-W1-03700.2111** 140 ESTERO BLVD #2111 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2111	32
TRIEGLAFF MARK A 915 EDDY CT WHEATON IL 60187	**24-46-23-W1-03700.2112** 140 ESTERO BLVD #2112 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2112	32
ATKINSON SUSAN MARY 8 FIELDWAY RD STE 614 TORONTO ON M8Z 0C3 CANADA	**24-46-23-W1-03700.2201** 140 ESTERO BLVD #2201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2201	32
ABDULLAH AFZAL 6136 EAGLE RIDGE CT BETTENDORF IA 52722	**24-46-23-W1-03700.2202** 140 ESTERO BLVD #2202 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2202	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2203** 140 ESTERO BLVD #2203 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2203	32
FREEDOM LIBERTY PROPERTIES LLC	**24-46-23-W1-03700.2204** 140 ESTERO BLVD #2204	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222	32

26072 N HILL AVE WAUCONDA IL 60084	FORT MYERS BEACH FL 33931	UNIT 2204	
ZACHARIAS KENNETH R & 16 EDMUND ST GREEN BAY WI 54302	**24-46-23-W1-03700.2205** 140 ESTERO BLVD #2205 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2205	32
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	**24-46-23-W1-03700.2206** 140 ESTERO BLVD #2206 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2206	32
RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD BARRINGTON IL 60010	**24-46-23-W1-03700.2207** 140 ESTERO BLVD #2207 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2207	32
WIEDER FLORENCE + ROBERT TR 3614 KINGS CROWN BLVD FORT MYERS FL 33908	**24-46-23-W1-03700.2208** 140 ESTERO BLVD #2208 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2208	32
HART RANDALL D + NEW YORK LIFE 153 S MAIN ST COLUMBIANA OH 44408	**24-46-23-W1-03700.2209** 140 ESTERO BLVD #2209 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2209	32
DAVIS ALAN & JANET 2560 MATTHEW JOHN DR DUBUQUE IA 52002	**24-46-23-W1-03700.2210** 140 ESTERO BLVD #2210 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2210	32
BAER DENNIS L TR 1418 SAND CASTLE RD SANIBEL FL 33957	**24-46-23-W1-03700.2211** 140 ESTERO BLVD #2211 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2211	32
ZURI CAY LLC 1650 LILAC LANE SW BYRON MN 55920	**24-46-23-W1-03700.2212** 140 ESTERO BLVD #2212 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2212	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2301** 140 ESTERO BLVD #2301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2301	32
GOWDY WILLIAM G & JEAN B 12737 IVORY STONE LOOP FORT MYERS FL 33913	**24-46-23-W1-03700.2302** 140 ESTERO BLVD #2302 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2302	32
HEMBROUGH JOSHUA HOWARD & 505 EMILIE DR LAFAYETTE IN 47906	**24-46-23-W1-03700.2303** 140 ESTERO BLVD #2303 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2303	32
OLESCYSKI JAIME ALLEN 109 MANIZAKS AVE PUNTA GORDA FL 33983	**24-46-23-W1-03700.2304** 140 ESTERO BLVD #2304 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2304	32
FRANCIS1704 LLC 709 CAPE CORAL PKWY W CAPE CORAL FL 33914	**24-46-23-W1-03700.2305** 140 ESTERO BLVD #2305 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2305	32
CC SQUARED HOLDINGS INC 13923 LILY PAD CIRCLE FORT MYERS FL 33907	**24-46-23-W1-03700.2306** 140 ESTERO BLVD #2306 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2306	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2307** 140 ESTERO BLVD #2307 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2307	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2308** 140 ESTERO BLVD #2308 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2308	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2309** 140 ESTERO BLVD #2309 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2309	32

GOLOSOW LORRAINE & 33 FALCONWOOD COURT FORT MYERS FL 33919	**24-46-23-W1-03700.2310** 140 ESTERO BLVD #2310 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2310	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2311** 140 ESTERO BLVD #2311 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2311	32
WHITE MARI TAKAYAMA 908 VILLAS DR #3 VENICE FL 34285	**24-46-23-W1-03700.2312** 140 ESTERO BLVD #2312 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2312	32
S & G PROPERTY MANAGEMENT LLC 3051 DANA POINTE DR PINCKNEY MI 48169	**24-46-23-W1-03700.2401** 140 ESTERO BLVD #2401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2401	32
JASPER COM LLC JAMES VOLPE 3319 MANSION WAY COLUMBUS OH 43221	**24-46-23-W1-03700.2402** 140 ESTERO BLVD #2402 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2402	32
CLASSE PROPERTIES LLC 4707 61ST ST HOLLAND MI 49423	**24-46-23-W1-03700.2403** 140 ESTERO BLVD #2403 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2403	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2404** 140 ESTERO BLVD #2404 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2404	32
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-03700.2405** 140 ESTERO BLVD #2405 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2405	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2406** 140 ESTERO BLVD #2406 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2406	32
PINKERTON RICHARD A & 406 WAYNE ST JOHNSTOWN PA 15905	**24-46-23-W1-03700.2407** 140 ESTERO BLVD #2407 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2407	32
FERGUSON ROBERT P & ROSE M TR 16935 TIMBERLAKES DR FORT MYERS FL 33908	**24-46-23-W1-03700.2408** 140 ESTERO BLVD #2408 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2408	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2409** 140 ESTERO BLVD #2409 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2409	32
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	**24-46-23-W1-03700.2410** 140 ESTERO BLVD #2410 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2410	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2411** 140 ESTERO BLVD #2411 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2411	32
MEES JUERGEN + HUMMEL STRASSE 6 BERLIN 12623 GERMANY	**24-46-23-W1-03700.2412** 140 ESTERO BLVD #2412 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2412	32
832 LLC 832 HEATHWOOD DR MARCO ISLAND FL 34145	**24-46-23-W1-03700.2501** 140 ESTERO BLVD #2501 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2501	32
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-03700.2502** 140 ESTERO BLVD #2502 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2502	32
CAMPBELL FAMILY LTD PTNRSHP I 1375 N 800 W TIPTON IN 46072	**24-46-23-W1-03700.2503** 140 ESTERO BLVD #2503 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2503	32

H C J ASSOCIATES LLC 161 EGRET ST FORT MYERS BEACH FL 33931	**24-46-23-W1-03700.2504** 140 ESTERO BLVD #2504 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2504	32
DI-AN 2 LLC 4560 ESTERO BLVD APT 501 FORT MYERS BEACH FL 33931	**24-46-23-W1-03700.2505** 140 ESTERO BLVD #2505 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2505	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2506** 140 ESTERO BLVD #2506 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2506	32
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2507** 140 ESTERO BLVD #2507 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2507	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2508** 140 ESTERO BLVD #2508 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2508	32
HOFF LARRY F & ANGELA M 5665 SUGARWOOD DR NEW ALBANY OH 43054	**24-46-23-W1-03700.2509** 140 ESTERO BLVD #2509 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2509	32
GIRNYS DENNIS J TR 18243 DEEP PASSAGE LANE FORT MYERS BEACH FL 33931	**24-46-23-W1-03700.2510** 140 ESTERO BLVD #2510 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2510	32
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-03700.2511** 140 ESTERO BLVD #2511 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2511	32
LA PALMA WEST LLC 6741 ORANGE DR FORT LAUDERDALE FL 33314	**24-46-23-W1-03700.2512** 140 ESTERO BLVD #2512 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT 2512	32
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.00E1** 140 ESTERO BLVD #CUE1 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-E1	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.0101** 140 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-101	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.0201** 140 ESTERO BLVD #C201 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-201	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.0301** 140 ESTERO BLVD #C301 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-301	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.0401** 140 ESTERO BLVD #C401 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-401	33
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-037CU.0501** 140 ESTERO BLVD #C501 FORT MYERS BEACH FL 33931	SANIBEL VIEW VILLAS CONDO DESC IN OR 3559 PG 222 UNIT CU-501	33
NELSON DOUGLAS G & MARY M 1424 11TH ST ARGYLE TX 76226	**24-46-23-W1-0400R.0101** 200 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-101	34
PANETTA RONALD J & NANCY I 26445 DOXTATOR ST DEARBORN HEIGHTS MI 48127	**24-46-23-W1-0400R.0102** 200 ESTERO BLVD #102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-102	34
PIZZANO JOSEPH V & MARIE J 22541 BAYCREST RIDGE DR ESTERO FL 34135	**24-46-23-W1-0400R.0103** 200 ESTERO BLVD #103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-103	34
MARSO ANN E 14575 WILDS VIEW NW	**24-46-23-W1-0400R.0104** 200 ESTERO BLVD #104	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

PRIOR LAKE MN 55372	FORT MYERS BEACH FL 33931	UNIT R-104	
JACKSON LAND CO LLC 126 S 7TH ST MIAMISBURG OH 45342	**24-46-23-W1-0400R.0105** 200 ESTERO BLVD #105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-105	34
SCHULTZ DOREEN C 4 MYERS PL DELANCO NJ 08075	**24-46-23-W1-0400R.0106** 200 ESTERO BLVD #106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-106	34
GIBBONS GREGORY MICHAEL & 55 WOOD MANOR PL THE WOODLANDS TX 77381	**24-46-23-W1-0400R.0107** 200 ESTERO BLVD #107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-107	34
KIRKPATRICK CARLISLE III TR + PO BOX 1944 CADIZ KY 42211	**24-46-23-W1-0400R.0108** 200 ESTERO BLVD #108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-108	34
SIMONS LARRY A & DARLENE D 5364 MALALUKA CT CAPE CORAL FL 33904	**24-46-23-W1-0400R.0201** 200 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-201	34
CLIFFORD DANIEL & SANDRA 1442 194TH AVE BALSAM LAKE WI 54810	**24-46-23-W1-0400R.0202** 200 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-202	34
BEACH COAST PROPERTIES LLC 45 TRINITY CHAPEL RD ASHEVILLE NC 28805	**24-46-23-W1-0400R.0203** 200 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-203	34
TALSMA TIMOTHY D TR 4851 QUINCY ST HUDSONVILLE MI 49426	**24-46-23-W1-0400R.0204** 200 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-204	34
BEACH FAMILY TRADITIONS LLC 2875 DANA POINTE DR PINCKNEY MI 48169	**24-46-23-W1-0400R.0205** 200 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-205	34
GRAY JOHN R JR & JANE E 15537 FIDDLESTICKS BLVD FORT MYERS FL 33912	**24-46-23-W1-0400R.0206** 200 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-206	34
KARETA KENNETH C & 4138 RICH DR WATERFORD MI 48329	**24-46-23-W1-0400R.0207** 200 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-207	34
DISILVESTRO LYNN M TR 733 N FORREST AVE ARLINGTON HEIGHTS IL 60004	**24-46-23-W1-0400R.0208** 200 ESTERO BLVD #208 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-208	34
SIMPKINS MATTHEW J 10275 RANGER HWY MORENCI MI 49256	**24-46-23-W1-0400R.0301** 200 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-301	34
LALLY ROBERT J & 719 CRAWFORD AVE SYRACUSE NY 13224	**24-46-23-W1-0400R.0302** 200 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-302	34
GOODIN PROPERTIES LLC 15228 FIDDLESTICKS BLVD FORT MYERS FL 33912	**24-46-23-W1-0400R.0303** 200 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-303	34
LEWIS RANDY & TERRY 3221 LINDEN CIR PRIOR LAKE MN 55372	**24-46-23-W1-0400R.0304** 200 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-304	34
RICHTER FRANK J & LORETTA M 647 SIGNAL HILL RD NORTH BARRINGTON IL 60010	**24-46-23-W1-0400R.0305** 200 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-305	34
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	**24-46-23-W1-0400R.0306** 200 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-306	34
BETZRUHEN LLC 2330 E PARIS AVE SE	**24-46-23-W1-0400R.0307** 200 ESTERO BLVD #307	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

GRAND RAPIDS MI 49546	FORT MYERS BEACH FL 33931	UNIT R-307	
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0400R.0308** 200 ESTERO BLVD #308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-308	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-0400R.0309** 200 ESTERO BLVD #309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-309	34
BOUNDS ROSEANNE H 3842 NW 22ND ST CAPE CORAL FL 33993	**24-46-23-W1-0400R.0310** 200 ESTERO BLVD #310 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-310	34
VICKERY STEVEN B & 1509 E 77TH ST INDIANAPOLIS IN 46240	**24-46-23-W1-0400R.0401** 200 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-401	34
BARAN JOSEPH W JR & 1102 PHILIPS ST BADEN PA 15005	**24-46-23-W1-0400R.0402** 200 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-402	34
SHEREN MICHAEL E TR 75 E OLD MILL TRL ANTIOCH IL 60002	**24-46-23-W1-0400R.0403** 200 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-403	34
SCHMIDT EDWIN H TR 2004 PLYMOUTH RD #221 MINNETONKA MN 55305	**24-46-23-W1-0400R.0404** 200 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-404	34
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	**24-46-23-W1-0400R.0405** 200 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-405	34
REVIS LINDA C + 43031 BOARDWALK LOOP PUNTA GORDA FL 33982	**24-46-23-W1-0400R.0406** 200 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-406	34
PELLA KATHLEEN G TR 1079 CALOOSAHATCHEE DR SW MOORE HAVEN FL 33471	**24-46-23-W1-0400R.0407** 200 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-407	34
CUSACK MICHAEL J & 15134 BROLIO LN NAPLES FL 34110	**24-46-23-W1-0400R.0408** 200 ESTERO BLVD #408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-408	34
KAECHLE CLARENCE W 31775 EASTLADY BEVERLY HILLS MI 48025	**24-46-23-W1-0400R.0409** 200 ESTERO BLVD #409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-409	34
200 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	**24-46-23-W1-0400R.0410** 200 ESTERO BLVD #410 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-410	34
NAGARATHINAM S V & CHRITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	**24-46-23-W1-0400R.0501** 200 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-501	34
BRUNER MICHAEL J & SUSAN L PO BOX 447 HERSCHER IL 60941	**24-46-23-W1-0400R.0502** 200 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-502	34
GROSSKOPF MARK R 1000 N WATER ST #950 MILWAUKEE WI 53202	**24-46-23-W1-0400R.0503** 200 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-503	34
RECK SCOTT A & MARYLEE A 7550 32ND AVE S GRAND FORKS ND 58201	**24-46-23-W1-0400R.0504** 200 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-504	34
IFG HOLDINGS LLC 4540 BARTHOLOMEW DR	**24-46-23-W1-0400R.0505** 200 ESTERO BLVD #505	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

PLEASANT HILL IA 50327	FORT MYERS BEACH FL 33931	UNIT R-505	
KLAVANS ALAN L + KAREN R TR 8113 KEY WEST DOVE ST WINTER GARDEN FL 34787	**24-46-23-W1-0400R.0506** 200 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-506	34
NAGARATHINIM S V & CHITHRA 3630 CASITAS DR JACKSONVILLE FL 32224	**24-46-23-W1-0400R.0507** 200 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-507	34
BORKOWSKI DUANE E TR 694 SEABISCUIT DR TROY MI 48084	**24-46-23-W1-0400R.0508** 200 ESTERO BLVD #508 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-508	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-0400R.0509** 200 ESTERO BLVD #509 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-509	34
GLOMERLOT PROPERTIES LLC 3075 DANA POINTE DR PINCKNEY MI 48169	**24-46-23-W1-0400R.0510** 200 ESTERO BLVD #510 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-510	34
200-601 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	**24-46-23-W1-0400R.0601** 200 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-601	34
SCHANE JAMES R TR PO BOX 5434 WOODRIDGE IL 60517	**24-46-23-W1-0400R.0602** 200 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-602	34
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-0400R.0603** 200 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-603	34
174 PASSAIC AVENUE LLC 25 SOUTH RD MENDHAM NJ 07945	**24-46-23-W1-0400R.0604** 200 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-604	34
HAMMERNIK KEITH M TR 13640 W LINFELD CT NEW BERLIN WI 53151	**24-46-23-W1-0400R.0605** 200 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-605	34
RIEDEL THOMAS R TR 5949 ASHFORD LN NAPLES FL 34110	**24-46-23-W1-0400R.0606** 200 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-606	34
LIOTTA VINCENZO S & 1000 MERRY LN OAK BROOK IL 60523	**24-46-23-W1-0400R.0607** 200 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-607	34
DANIEL W BENECKE TRUST + PO BOX 24 RIDGEVILLE CORNERS OH 43555	**24-46-23-W1-0400R.0608** 200 ESTERO BLVD #608 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-608	34
PUORRO ANTHONY TR 50133 JOY LANE EAST LIVERPOOL OH 43920	**24-46-23-W1-0400R.0609** 200 ESTERO BLVD #609 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-609	34
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	**24-46-23-W1-0400R.0610** 200 ESTERO BLVD #610 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-610	34
CAMPBELL FAMILY LTD PARTNERSHI 21557 SHORE VISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0400R.0701** 200 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-701	34
CECIL LUDVIK FRANK & EVA 2900 NE 14TH ST CSWY UNIT 1005 POMPANO BEACH FL 33062	**24-46-23-W1-0400R.0702** 200 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-702	34

CAMPBELL FAMILY LIMITED PARTNE 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0400R.0703** 200 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-703	34
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0400R.0704** 200 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-704	34
PSVC LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-0400R.0705** 200 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-705	34
GORDEE BRADLEY TR 2685 MAPLE DR MCFARLAND WI 53558	**24-46-23-W1-0400R.0706** 200 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-706	34
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-0400R.0707** 200 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-707	34
CECIL LUDVIK & EVA 2900 NE 14TH ST CSWY #1005 POMPANO BEACH FL 33062	**24-46-23-W1-0400R.0708** 200 ESTERO BLVD #708 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-708	34
MAIN REAL-ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E STE 208 CAPE CORAL FL 33904	**24-46-23-W1-0400R.0709** 200 ESTERO BLVD #709 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-709	34
CUATRO AMIGOS PROPERTIES LLC 2623 HARRISON WOODS RD TERRE HAUTE IN 47805	**24-46-23-W1-0400R.0710** 200 ESTERO BLVD #710 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-710	34
LOFFRENO REAL ESTATE INC 2100 ESTERO BLVD FORT MYERS BEACH FL 33931	**24-46-23-W1-0400R.0801** 200 ESTERO BLVD #801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-801	34
TYSON FARRELL C II & PO BOX 100181 CAPE CORAL FL 33910	**24-46-23-W1-0400R.0802** 200 ESTERO BLVD #802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-802	34
DEUTSCH RANDALL P 1524 WATERFORD RD NORTH AURORA IL 60542	**24-46-23-W1-0400R.0803** 200 ESTERO BLVD #803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-803	34
RICHTER JULIETTE TR 1832 BANK ST BALTIMORE MD 21231	**24-46-23-W1-0400R.0804** 200 ESTERO BLVD #804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-804	34
DURR KENNETH C & DONNA M L/E 4830 WESTGATE RD MINNETONKA MN 55345	**24-46-23-W1-0400R.0805** 200 ESTERO BLVD #805 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-805	34
MERSCHMAN GEORGE & LINDA TR 1421 E LAKE SHORE DR SPRINGFIELD IL 62712	**24-46-23-W1-0400R.0806** 200 ESTERO BLVD #806 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-806	34
BRISTOL DAVID C 4149 MIDWAY RD HERMANTOWN MN 55811	**24-46-23-W1-0400R.0807** 200 ESTERO BLVD #807 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-807	34
FERRY REALTY LLC 3 AJOOTIAN WAY UNIT D-10 MIDDLETON MA 01949	**24-46-23-W1-0400R.0808** 200 ESTERO BLVD #808 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-808	34
NAGARATHINAM SUNDARAM V & 3630 CASITAS DR JACKSONVILLE FL 32224	**24-46-23-W1-0400R.0809** 200 ESTERO BLVD #809 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-809	34
CASH DOUGLAS A PO BOX 1317 BELOIT WI 53512	**24-46-23-W1-0400R.0810** 200 ESTERO BLVD #810 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-810	34
VIEAU MARK R & SHERYL 4946 W PIKE LAKE RD	**24-46-23-W1-0400R.0811** 200 ESTERO BLVD #811	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	34

DULUTH MN 55811	FORT MYERS BEACH FL 33931	UNIT R-811	
VIEAU MARK R + SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-0400R.0812** 200 ESTERO BLVD #812 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-812	34
JO MAR FAMILY LLC PO BOX 696 NEW BALTIMORE MI 48047	**24-46-23-W1-0400R.0P01** 200 ESTERO BLVD #P01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P01	34
TRI BOELTER PROPERTIES LLC 105 MAPLE LANE WINONA MN 55987	**24-46-23-W1-0400R.0P02** 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P02	34
ASHTON VICTORIA M + PO BOX 538 SANIBEL FL 33957	**24-46-23-W1-0400R.0P03** 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P03	34
ZAKO VACATIONS INC 2358 LEEDS CROSSING LONDON ON N6M 0E4 CANADA	**24-46-23-W1-0400R.0P04** 200 ESTERO BLVD #P04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P04	34
CECIL LUDVIK F & EVA 2900 NE 14TH STREET CSWY #1005 POMPANO BEACH FL 33062	**24-46-23-W1-0400R.0P05** 200 ESTERO BLVD #P05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P05	34
200-906 ESTERO BLVD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	**24-46-23-W1-0400R.0P06** 200 ESTERO BLVD #P06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P06	34
200-907 ESTERO BOULEVARD LLC DOUGLAS SAVAGE 12320 GLOBE ST LIVONIA MI 48150	**24-46-23-W1-0400R.0P07** 200 ESTERO BLVD #P07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P07	34
COLE HARLEY J & BRENDA V PO BOX 101674 CAPE CORAL FL 33910	**24-46-23-W1-0400R.0P08** 200 ESTERO BLVD #P08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P08	34
PARADOWSKI KATHLEEN 4521 E LAKE RD WILSON NY 14172	**24-46-23-W1-0400R.0P09** 200 ESTERO BLVD #P09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P09	34
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	**24-46-23-W1-0400R.0P10** 200 ESTERO BLVD #P10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P10	34
MAIN REAL ESTATE + CAPITAL LLC 1314 CAPE CORAL PKWY E #208 CAPE CORAL FL 33904	**24-46-23-W1-0400R.0P11** 200 ESTERO BLVD #P11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P11	34
SWIFT KAREN B TR 3939 CRAYTON RD NAPLES FL 34103	**24-46-23-W1-0400R.0P12** 200 ESTERO BLVD #P12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P12	34
PALMA VICTOR J & KAREN L 101 N MARION CT APT 234 PUNTA GORDA FL 33950	**24-46-23-W1-0400R.0P13** 200 ESTERO BLVD #P13 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P13	34
BRUNETTI ROBERT G TR 2532 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	**24-46-23-W1-0400R.0P14** 200 ESTERO BLVD #P14 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT R-P14	34
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.00E1** 200 ESTERO BLVD #E1 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E1	35
JABO LLC 8015 W KENTON CIR STE 220 HUNTERSVILLE NC 28078	**24-46-23-W1-040CU.00E2** 200 ESTERO BLVD #E2 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-E2	35
JABO LLC 19354 WATERMARK DR STE 201	**24-46-23-W1-040CU.00E3** 200 ESTERO BLVD #E3	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-E3	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0101** 200 ESTERO BLVD #C101 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-101	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0102** 200 ESTERO BLVD #CU102 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-102	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0103** 200 ESTERO BLVD #CU103 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-103	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0104** 200 ESTERO BLVD #CU104 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-104	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0105** 200 ESTERO BLVD #CU105 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-105	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0106** 200 ESTERO BLVD #CU106 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-106	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0107** 200 ESTERO BLVD #CU107 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-107	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0108** 200 ESTERO BLVD #CU108 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-108	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0109** 200 ESTERO BLVD #CU109 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-109	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0110** 200 ESTERO BLVD #CU110 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-110	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0111** 200 ESTERO BLVD #CU111 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-111	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0201** 200 ESTERO BLVD #CU201 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-201	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0202** 200 ESTERO BLVD #CU202 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-202	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0203** 200 ESTERO BLVD #CU203 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-203	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0204** 200 ESTERO BLVD #CU204 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-204	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0205** 200 ESTERO BLVD #CU205 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-205	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0301** 200 ESTERO BLVD #CU301 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-301	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0302** 200 ESTERO BLVD #CU302 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-302	35
JABO LLC 19354 WATERMARK DR STE 201	**24-46-23-W1-040CU.0303** 200 ESTERO BLVD #CU303	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-303	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0304** 200 ESTERO BLVD #CU304 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-304	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0305** 200 ESTERO BLVD #CU305 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-305	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0306** 200 ESTERO BLVD #CU306 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-306	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0307** 200 ESTERO BLVD #CU307 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-307	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0308** 200 ESTERO BLVD #CU308 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-308	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0309** 200 ESTERO BLVD #CU309 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-309	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0401** 200 ESTERO BLVD #CU401 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-401	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0402** 200 ESTERO BLVD #CU402 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-402	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0403** 200 ESTERO BLVD #CU403 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-403	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0404** 200 ESTERO BLVD #CU404 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-404	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0405** 200 ESTERO BLVD #CU405 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-405	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0406** 200 ESTERO BLVD #CU406 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-406	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0407** 200 ESTERO BLVD #CU407 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-407	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0408** 200 ESTERO BLVD #CU408 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-408	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0409** 200 ESTERO BLVD #CU409 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-409	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0501** 200 ESTERO BLVD #CU501 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-501	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0502** 200 ESTERO BLVD #CU502 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-502	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0503** 200 ESTERO BLVD #CU503 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-503	35
JABO LLC 19354 WATERMARK DR STE 201	**24-46-23-W1-040CU.0504** 200 ESTERO BLVD #CU504	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-504	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0601** 200 ESTERO BLVD #CU601 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-601	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0602** 200 ESTERO BLVD #CU602 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-602	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0603** 200 ESTERO BLVD #CU603 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-603	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0604** 200 ESTERO BLVD #CU604 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-604	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0701** 200 ESTERO BLVD #CU701 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-701	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0702** 200 ESTERO BLVD #CU702 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-702	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0703** 200 ESTERO BLVD #CU703 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-703	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0704** 200 ESTERO BLVD #CU704 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-704	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0801** 200 ESTERO BLVD #CU801 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-801	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0802** 200 ESTERO BLVD #CU802 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-802	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0803** 200 ESTERO BLVD #CU803 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-803	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0804** 200 ESTERO BLVD #CU804 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-804	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G01** 200 ESTERO BLVD #CUG01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G02** 200 ESTERO BLVD #G02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G03** 200 ESTERO BLVD #G03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G03	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G04** 200 ESTERO BLVD #G04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G04	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G05** 200 ESTERO BLVD #G05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G05	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G06** 200 ESTERO BLVD #G06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G06	35
JABO LLC 19354 WATERMARK DR STE 201	**24-46-23-W1-040CU.0G07** 200 ESTERO BLVD #G07	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-G07	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G08** 200 ESTERO BLVD #G08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G08	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G09** 200 ESTERO BLVD #G09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G09	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G10** 200 ESTERO BLVD #G10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G10	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G11** 200 ESTERO BLVD #G11 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G11	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0G12** 200 ESTERO BLVD #G12 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-G12	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M01** 200 ESTERO BLVD #M01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M02** 200 ESTERO BLVD #M02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M03** 200 ESTERO BLVD #M03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M03	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M04** 200 ESTERO BLVD #M04 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M04	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M05** 200 ESTERO BLVD #M05 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M05	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M06** 200 ESTERO BLVD #M06 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M06	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M07** 200 ESTERO BLVD #M07 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M07	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M08** 200 ESTERO BLVD #M08 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M08	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M09** 200 ESTERO BLVD #M09 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M09	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0M10** 200 ESTERO BLVD #M10 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-M10	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0P01** 200 ESTERO BLVD #P01 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P01	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0P02** 200 ESTERO BLVD #P02 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P02	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.0P03** 200 ESTERO BLVD #P03 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-P03	35
JABO LLC 19354 WATERMARK DR STE 201	**24-46-23-W1-040CU.0P04** 200 ESTERO BLVD #P04	WHITE SAND VILLAS DESC IN OR 4203 PG 2100	35

CORNELIUS NC 28031	FORT MYERS BEACH FL 33931	UNIT CU-P04	
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.1001** 200 ESTERO BLVD #1001 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1001	35
JABO LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-040CU.1002** 200 ESTERO BLVD #1002 FORT MYERS BEACH FL 33931	WHITE SAND VILLAS DESC IN OR 4203 PG 2100 UNIT CU-1002	35
ROOT LARRY W & JANE E 1559 WESLEY CHAPEL RD MITCHELL IN 47446	**24-46-23-W1-0410R.0101** 190 ESTERO BLVD #101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 101	36
PINK SHELL PROPERTY HOLDINGS L 14791 LAGUNA DR FORT MYERS FL 33908	**24-46-23-W1-0410R.0201** 190 ESTERO BLVD #201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 201	36
KRUGER KATHLEEN & RYAN D 2519 SUTHERLAND CT CAPE CORAL FL 33991	**24-46-23-W1-0410R.0202** 190 ESTERO BLVD #202 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 202	36
JOHNSON CHRISTOPHER G & 469 CAMBRIDGE WAY BOLINGBROOK IL 60440	**24-46-23-W1-0410R.0203** 190 ESTERO BLVD #203 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 203	36
MCKEE FAMILY PROPERTIES LLC 7 E DOW ST TIPP CITY OH 45371	**24-46-23-W1-0410R.0204** 190 ESTERO BLVD #204 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 204	36
PETH NICK A PO BOX 580 WAYNESVILLE OH 45068	**24-46-23-W1-0410R.0205** 190 ESTERO BLVD #205 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 205	36
HEALING SPACES 2 LLC 1635 CONCORDIA ST WAYZATA MN 55391	**24-46-23-W1-0410R.0206** 190 ESTERO BLVD #206 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 206	36
DENMAR PROPERTIES LLC 1502 ST CHARLES ST WAUWATOSA WI 53213	**24-46-23-W1-0410R.0207** 190 ESTERO BLVD #207 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 207	36
VOLPE JAMES M 3319 MANSION WAY COLUMBUS OH 43221	**24-46-23-W1-0410R.0301** 190 ESTERO BLVD #301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 301	36
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	**24-46-23-W1-0410R.0302** 190 ESTERO BLVD #302 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 302	36
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	**24-46-23-W1-0410R.0303** 190 ESTERO BLVD #303 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 303	36
MERTZ SUSAN SMOOT 1252 CALOOSA DR FORT MYERS FL 33901	**24-46-23-W1-0410R.0304** 190 ESTERO BLVD #304 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 304	36
5CS LLC PAUL CHAMBRE 780 CAL COVE DR FORT MYERS FL 33919	**24-46-23-W1-0410R.0305** 190 ESTERO BLVD #305 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 305	36
KIRSCH VINCENT J 3932 LEFORT RD STRYKERSVILLE NY 14145	**24-46-23-W1-0410R.0306** 190 ESTERO BLVD #306 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 306	36
BALA PROPERTIES LLC 8355 CHESAPEAKE DR NORTH RIDGEVILLE OH 44039	**24-46-23-W1-0410R.0307** 190 ESTERO BLVD #307 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 307	36
HOSTETTER KURT & LORI 4198 BAY BEACH LN #164 FORT MYERS BEACH FL 33931	**24-46-23-W1-0410R.0401** 190 ESTERO BLVD #401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 401	36

VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-0410R.0402** 190 ESTERO BLVD #402 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 402	36
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-0410R.0403** 190 ESTERO BLVD #403 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 403	36
ALLEN NICK JOHN & 113-198 SPRINGBANK DR LONDON ON N6J 1G1 CANADA	**24-46-23-W1-0410R.0404** 190 ESTERO BLVD #404 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 404	36
VIEAU MARK R & SHERYL L 4946 W PIKE LAKE RD DULUTH MN 55811	**24-46-23-W1-0410R.0405** 190 ESTERO BLVD #405 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 405	36
CHICAGO TITLE TIMESHARE LAND T 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-0410R.0406** 190 ESTERO BLVD #406 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 406	36
KANDA RIDGE LLC 500 LINDEN OAKS #130 ROCHESTER NY 14625	**24-46-23-W1-0410R.0407** 190 ESTERO BLVD #407 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 407	36
501 CAPTIVA VILLAS LLC 120 N GLENHURST BLOOMFIELD HILLS MI 48301	**24-46-23-W1-0410R.0501** 190 ESTERO BLVD #501 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 501	36
LANDAU ANGELA + 2020 SE 27TH TER CAPE CORAL FL 33904	**24-46-23-W1-0410R.0502** 190 ESTERO BLVD #502 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 502	36
SCHAULS WILLIAM R + VALETTA TR 412A LEE ST DURAND WI 54736	**24-46-23-W1-0410R.0503** 190 ESTERO BLVD #503 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 503	36
TRIEGLAFF MARK 915 EDDY CT WHEATON IL 60187	**24-46-23-W1-0410R.0504** 190 ESTERO BLVD #504 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 504	36
AMM VILLA SERVICES INC MICHAEL MOHR IM VOGELSANG 25B VALLENDAR 56179 GERMANY	**24-46-23-W1-0410R.0505** 190 ESTERO BLVD #505 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 505	36
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	**24-46-23-W1-0410R.0506** 190 ESTERO BLVD #506 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 506	36
LOFFRENO CHRISTIAN 17916 GREY HERON CT FORT MYERS BEACH FL 33931	**24-46-23-W1-0410R.0507** 190 ESTERO BLVD #507 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 507	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0410R.0601** 190 ESTERO BLVD #601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 601	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0410R.0602** 190 ESTERO BLVD #602 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 602	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0410R.0603** 190 ESTERO BLVD #603 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 603	36
BYRNE WILLIAM M & DEBORAH L 14505 MORNINGSIDE RD ORLAND PARK IL 60462	**24-46-23-W1-0410R.0604** 190 ESTERO BLVD #604 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 604	36

WITT JASON A + KATHLEEN M 45897 DENISE DR PLYMOUTH MI 48170	**24-46-23-W1-0410R.0605** 190 ESTERO BLVD #605 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 605	36
DANGELO LAURA M & ROBERT V TR 21213 EQUESTRIAN TRAIL NORTHVILLE MI 48167	**24-46-23-W1-0410R.0606** 190 ESTERO BLVD #606 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 606	36
WENTWORTH JEFFREY R 3630 E LOWER SPRINGBORO RD WAYNESVILLE OH 45068	**24-46-23-W1-0410R.0607** 190 ESTERO BLVD #607 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 607	36
SOLLAZZO LUIGINA A & PAUL J 21 WESTBROOK CT BRIDGEWATER NJ 08807	**24-46-23-W1-0410R.0701** 190 ESTERO BLVD #701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 701	36
CAMPBELL FAMILY LTD PTNRSHP 1 21557 SHOREVISTA LN NOBLESVILLE IN 46062	**24-46-23-W1-0410R.0702** 190 ESTERO BLVD #702 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 702	36
SCHMITT DANIEL R & SUSAN L 15410 CATALPA COVE LN FORT MYERS FL 33908	**24-46-23-W1-0410R.0703** 190 ESTERO BLVD #703 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 703	36
GIPEAN INC PO BOX 4366 LAKE CHARLES LA 70606	**24-46-23-W1-0410R.0704** 190 ESTERO BLVD #704 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 704	36
LOFFRENO CHRISTIAN P 17916 GREY HERON CT FORT MYERS BEACH FL 33931	**24-46-23-W1-0410R.0705** 190 ESTERO BLVD #705 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 705	36
S & L CAMPBELL FAMILY LIMITED 20927 EDGEWATER DR NOBLESVILLE IN 46062	**24-46-23-W1-0410R.0706** 190 ESTERO BLVD #706 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 706	36
COLVIN TIMOTHY JAY + 15429 TAYLOR TRACE DR CARMEL IN 46033	**24-46-23-W1-0410R.0707** 190 ESTERO BLVD #707 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 RES UNIT 707	36
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0101** 190 ESTERO BLVD #CO101 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 101	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0201** 190 ESTERO BLVD #CO201 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 201	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0301** 190 ESTERO BLVD #CO301 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 301	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR #201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0401** 190 ESTERO BLVD #CO401 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 401	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0501** 190 ESTERO BLVD #CO501 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 501	37
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0601** 190 ESTERO BLVD #CO601 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 601	37
CAPTIVA VILLAS DEVELOPMENT LLC	**24-46-23-W1-041CU.0701** 190 ESTERO BLVD #CO701 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT 701	37

19354 WATERMARK DR STE 201 CORNELIUS NC 28031			
CAPTIVA VILLAS DEVELOPMENT LLC 19354 WATERMARK DR STE 201 CORNELIUS NC 28031	**24-46-23-W1-041CU.0G01** 190 ESTERO BLVD #G01 FORT MYERS BEACH FL 33931	CAPTIVA VILLAS AS DESC IN INST #2006-478367 COM UNIT G01	37

EXHIBIT 6-7

SURROUNDING PROPERTY OWNERS MAP

EXHIBIT 6-7
SURROUNDING PROPERTY OWNERS MAP

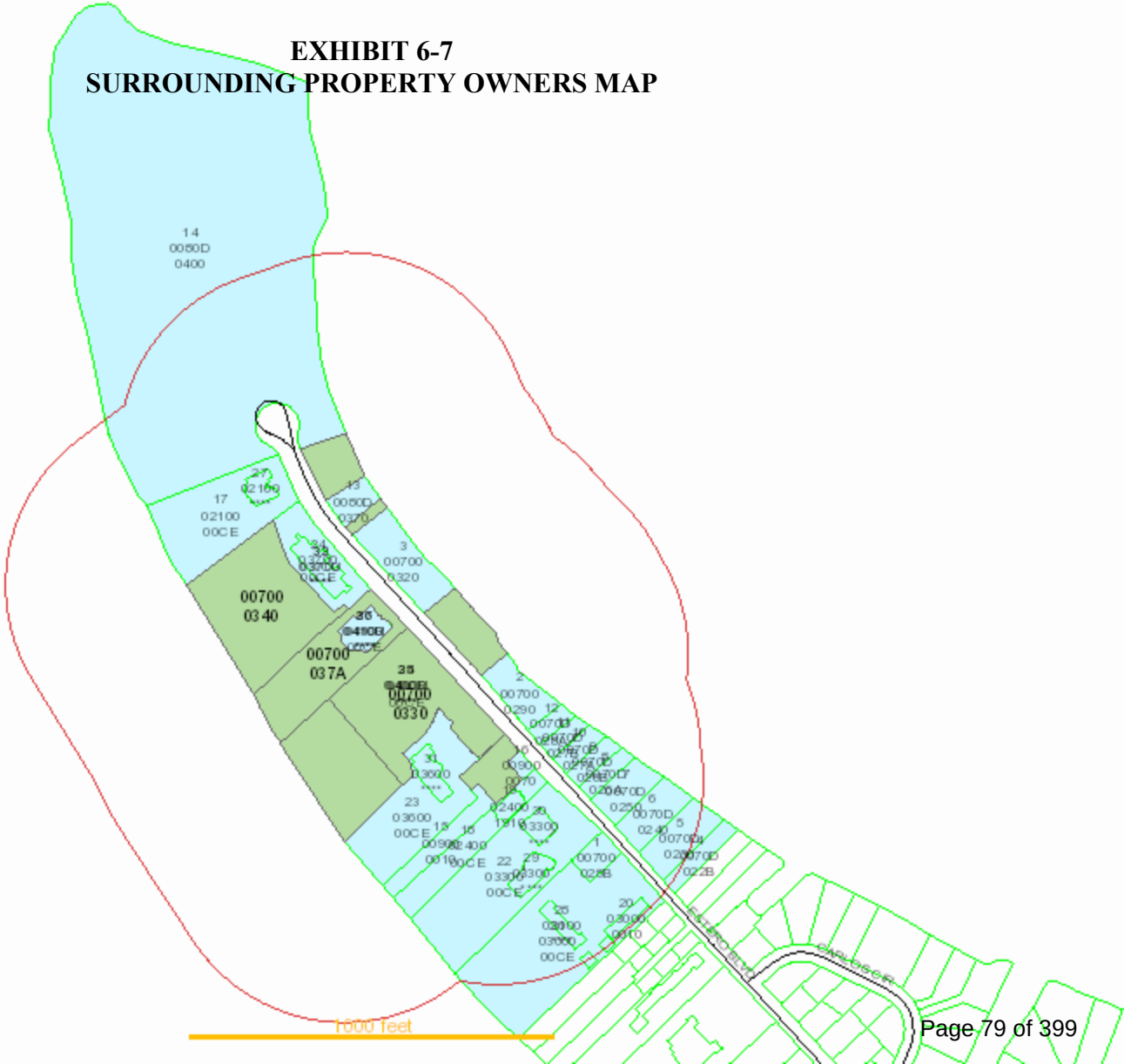


EXHIBIT 6-8

SURROUNDING PROPERTY OWNER MAILING LABELS

EXHIBIT 6-8
SURROUNDING PROPERTY OWNERS MAILING LABELS

WINDWARD PASSAGE RESORT CONDO
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

BLAUM BRIAN C TR
220 EMERSON PL #201
DAVENPORT IA 52801

MCCHESNEY KEVIN E TR
417 ESTERO BLVD
FORT MYERS BEACH FL 33931

SILVER KING VENTURES LLC
353 CLIFTON AVE
KINGSTON NY 12401

385 ESTERO BLVD LLC
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

DAVIS JAMES & KIMBERLY
327 ESTERO BLVD
FORT MYERS BEACH FL 33931

COOPER FMB LLC
PO BOX 501
HOWELL MI 48844

HOLSEM JACK
505 JACKSON ST
GRANDVILLE MI 49418

EDWARDS PAUL G L/E
315 ESTERO BLVD
FORT MYERS BEACH FL 33931

JABO LLC
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

KAMINSKIY AT 131 ESTERO LLC
12463 RANCHO BERNARDO RD #237
SAN DIEGO CA 92128

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

ZENG GORDAN G & ZHU DONGHE +
145 LAWRENCE DR
SHORT HILLS NJ 07078

JAMES F BRYANT TRUST +
27 FOREST BAY LN
CICERO IN 46034

PINK SHELL VACATION VILLAS
SUITOR MIDDLETON COX & ASSOC
15751 SAN CARLOS BLVD STE 8
FORT MYERS FL 33908

PINK SHELL BEACH CLUB CONDO
275 ESTERI BLVD
FORT MYERS BEACH FL 33931

PINK SHELL BEACH CLUB
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

WINDWARD PASSAGE RESORT
VACATION RESORTS INTL
25510 COMMERCENTRE DR STE 100
LAKE FOREST CA 92630

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WINDWARD PASSAGE RESORT
418 ESTERO BLVD
FORT MYERS BEACH FL 33931

ESTERO ISLAND BEACH VILLAS
CONDO PHASES 1 + 2
250 ESTERO BLVD
FORT MYERS BEACH FL 33931

WHITE SAND VILLAS CONDO ASSN
200 ESTERO BLVD
FORT MYERS BEACH FL 33931

FUN & SUN LLC
PO BOX 07264
FORT MYERS FL 33919

BAGGOT HOLLY S & ANDREW P
6644 N CHICKAHAUK TRL
MIDDLETON WI 53562

BURNS ROBERT &
5965 BAKER CT
FORT MYERS FL 33919

UNKNOWN HEIRS OF
582 ESTERO BLVD
FORT MYERS BEACH FL 33931

HARRIS ELSIE KAY +
1043 HEATHER HILLS LN
LEXINGTON KY 40511

STIGEN REED A & VICKI L
711 NORTHRIDGE WAY
WEST FARGO ND 58078

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

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ISLAND SHORES CONDO
394 ESTERO BLVD
FORT MYERS BEACH FL 33931

SANIBEL VIEW VILLAS CONDO ASOC

CAPTIVA VILLAS
275 ESTERO BLVD
FORT MYERS BEACH FL 33931

100 ESTERO BLVD LLC
844 TENACITY DR
LONGMONT CO 80504

WALTERS CHRISTINE
224 CARRANZA RD
TABERNACLE NJ 08088

STEDER PATRICIA B +
9820 STERLING DR
CUTLER BAY FL 33157

TTK ENTERPRISES LLC
15 TREMORE WAY
HOLLAND OH 43528

A&H 100 ESTERO FMB LLC
6644 N CHICKAHAUK TRAIL
MIDDLETON WI 53562

ALMAGUER SUZANNE DAVIS
5541 NW 49TH TER
COCONUT CREEK FL 33073

SCHOLZ W W & ANGELA L
105 BENTLEY DR
LATHAM NY 12110

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CASSIDY RICHARD +
65-25 160TH ST #20B
FRESH MEADOWS NY 11365

CICCONE NATALE +
1239 CEDAR RD
SOUTHPORT CT 06890

RYFFEL-KRAGH AMY
23939 WINBERLY OAK
SAN ANTONIO TX 78261

RYREAL FLORIDA LLC
MARY K HERMAN
27 STANTON LN
STAMFORD CT 06902

SCHULTE WAYNE D &
PO BOX 268
ELLSWORTH WI 54011

REGGIE 535 LLC
2353 GREENWOOD RD
NORTHBROOK IL 60062

MERVIN + MELISSA LARSON TRUST
4 FIRST ST
EXCELSIOR MN 55331

AGUIRRE PENNY J TR
8424 40TH AVE N
NEW HOPE MN 55427

SEARENITY WPR LLC
RAYMOND HUNT
7N982 CLOVERFIELD DR
SAINT CHARLES IL 60175

SCHERER DEBRA E TR
18215 LANSFORD PATH
LAKEVILLE MN 55044

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OUDERSLUYS CAROL S TR
7117 PELICAN BAY BLVD #1901
NAPLES FL 34108

MCGINNITY MARTHA TR
440 CARROLLWOOD DR
TARRYTOWN NY 10591

SHEPKA ELYSE +
1642 S FOUNTAINHEAD RD
FORT MYERS FL 33919

FLANAGAN MICHAEL P & ANNA L TR
18104 BLUE HERON POINTE DR
NORTHVILLE MI 48168

SCROGGIE PHYLLIS T TR
PO BOX 61596
FORT MYERS FL 33906

PINK SHELL PROPERTIES LLC
MOIRA FAHEY-ULLRICH
94 LOWER LOCH VISTA DR
WILLIAMS BAY WI 53191

CMME PROPERTIES LLC
9523 CLAYCHIN CT
BURKE VA 22015

TL 5109 LLC
180 WASHINGTON ST
GOLDEN CO 80403

FRITZ LAURA L TR
814 W MOUNT PLEASANT RD
EVANSVILLE IN 47711

BORNEMAN DAVID C & DINA E
394 ESTERO BLVD #102
FORT MYERS BEACH FL 33931

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FIGURA MICHAEL A & CAROL A
394 ESTERO BLVD # 103
FORT MYERS BEACH FL 33931

YORDY MICHAEL E TR
26700 BROADWAY RD
MORTON IL 61550

LOVELESS ENTERPRISES INC
210 SPRINGFIELD RD
GILLESPIE IL 62033

KING MICHAEL G
PO BOX 3001
DUBLIN OH 43016

ARENS ROBERT W TR
11431 LONGWATER CHASE CT
FORT MYERS FL 33908

KRINKIE JODETTE M & BRUCE J TR
6881 BLACKDUCK DR
LINO LAKES MN 55014

BARNHART DAVID W
PO BOX 14536
MINNEAPOLIS MN 55414

BENES ANDREW C TR
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

GERMAN PATRICIA A TR
394 ESTERO BLVD #503
FORT MYERS BEACH FL 33931

LLOYD JOHN D & STEPHANIE J TR
15725 OREGON AVE
PRIOR LAKE MN 55372

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ROBINSON CAROL L TR +
105 CROSSBOW TRAILS
LAWRENCEBURG IN 47025

ROHRBACHER MICHAEL &
394 ESTERO BLVD #202
FORT MYERS BEACH FL 33931

DANGELO JANE M TR
394 ESTERO BLVD #204
FORT MYERS BEACH FL 33931

DIFFLEY CHRISTOPHER P &
394 ESTERO BLVD # 302
FORT MYERS BEACH FL 33931

MAREK CHARLES B JR +
4021 BAY DR
MIDDLE RIVER MD 21220

CATHERINE G SCHOLZ 2007 TRUST
5 FIDDLEHEAD LN
WAYLAND MA 01778

MIDDLESWARTH DAVID B TR
500 MEADOW LN
MIDDLEBURG PA 17842

BENES ANDREW C & JENNIFER J
1127 HIGHLAND POINTE DR
SAINT LOUIS MO 63131

CAPENIGRO ANTHONY T &
22W160 PINEGROVE CT
GLEN ELLYN IL 60137

LLOYD JOHN D & STEPHANIE J TR
15275 OREGON AVE
PRIOR LAKE MN 55372

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MIDDLESWARTH DAVID B
500 MEADOW LN
MIDDLEBURG PA 17842

SIEVERTSEN DOLORES C TR
15492 LEONARD RD
SPRING LAKE MI 49456

EASTON MELODEE M TR
24523 W PELLINORE DR
JOLIET IL 60404

HENSLEY DANIEL L & SHERYL L/E
PO BOX 547
MOUND MN 55364

WELLS GWENDOLYN M +
4021 BAY DR
MIDDLE RIVER MD 21220

LIOTTA SAVATORE & CONCETTA
6 OAK BROOK CLUB DR APT J101
OAK BROOK IL 60523

COVERT ROBERT & LOUISE B TR
9403 GIBSON DR
POWELL OH 43065

CALUSA LLC
22774 CITATION RD
FRANKFORT IL 60423

WIESSING CAROL S TR
2403 LOWELL AVE
SPRINGFIELD IL 62704

MCSPEDON TRUST
750 RUSHMORE AVE
MAMARONECK NY 10543

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MILLIRON GRANT E TR
2384 STATE ROUTE 39 NW
MANSFIELD OH 44903

EASTON FAMILY LLC
24523 WEST PELLINORE DR
JOLIET IL 60404

ENGELSMAN JAMES + RHONDA TR
1184 64TH AVE
ZEELAND MI 49464

STOOPS JEFFREY E +
3808 CLAYBROOK CT
BARGERSVILLE IN 46106

ANGELA M ROCHE TRUST +
2243 RE PINE LN SW
ROCHESTER MN 55902

STUTZ SHARON A TR
47790 STATE ROUTE 162
WELLINGTON OH 44090

DEMARY JULE A +
930 VILLAGE BROOK WAY
COLUMBUS OH 43235

MCK HOLDINGS (2018) LIMITED
200140 SIDE RD 10 RR 1
SHALLOW LAKE ON N0H 2K0
CANADA

LANDISI ANNE MARIE T
392 ESTERO BLVD #605
FORT MYERS BEACH FL 33931

NUNN JOYCE M TR
392 ESTERO BLVD #607
FORT MYERS BEACH FL 33931

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BOERMAN DANIEL J +
2420 DAVEY RD
WOODRIDGE IL 60517

JOHNSON GORDON R & HOPE Y TR
6409 DORON LN
EDINA MN 55439

HULL PETER H +
1982 AUTUMN BROOK TRL
HINCKLEY OH 44233

BASSEL ROBERT N &
9008 HACK RD
CLINTON MI 49236

ZASTROW TODD W & LYNN P
1051 N JAMEY LN
ADDISON IL 60101

MURRAY WILLIS OLTMAN TRUST +
36490 OLD MILL BRIDGE RD
FRANKFORD DE 19945

KOUMJIAN RICHARD H &
14220 ROYAL HARBOUR CT #511
FORT MYERS FL 33908

MALOCO LLC
36 SUFFOLK DR
SAINT CHARLES MO 63301

FAHY BRYAN
421 OCEAN BLVD #5N
HAMPTON NH 03842

WALZ JAMES E & MARGERY L
9250 BAYBERRY BEND APT 201
FORT MYERS FL 33908

MASSEY STEVEN MICHAEL &
1864 SUMMIT LANE
MENDOTA HEIGHTS MN 55118

FM BEACH LLC
4441 CORNWELL LN
WHITMORE LAKE MI 48189

ANDREW W PLACE TRUST +
1628 ROCK WOOD LN
MISHAWAKA IN 46545

SHAFFER RICHARD TR
PO BOX 3075
FORT MYERS BEACH FL 33932

SCHUBERT CHARLES B & AMY L
344 HAMBLETONIAN DR
OAK BROOK IL 60523

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

TOWNSEND TREASURE LLC
3516 YORK RD
OAK BROOK IL 60523

ODONELL WILLIAM M &
415 COLFAX AVE
CLARENDON HILLS IL 60514

WALZ PATRICIA M TR
20363 CARA AVE
CASSOPOLIS MI 49031

JAKOVY PROPERTIES LLC
1264 CANDLEWOOD CT
DOWNERS GROVE IL 60515

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J + L BOWEN LLC
1613 CAROLINA ORCHARDS BLVD
FORT MILL SC 29715

M LANE FARMS LLC
1456 E 1000 NORTH RD
TAYLORVILLE IL 62568

WENTWORTH JEFFREY R
3630 LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

CONNOLLY PAUL A &
5780 WILLOW LN N
SHOREVIEW MN 55126

SANDCASTLE BEACH PROPERTIES LL
11887 WILLIAMS COUNTY RD 15
MONTPELIER OH 43543

SCHUBERT CHARLES & AMY
344 HAMLETONIAN DR
OAK BROOK IL 60523

LAIRMORE BRANDON & BRANDI
7651 COLDSTREAM WOODS DR
CINCINNATI OH 45255

RUCKER JOHN T & LOUSIE
5792 ROYAL LYTHAM CT
DUBLIN OH 43017

KM INVESTMENTS LLC
1721 W BIKE ST
BREMEN IN 46506

SWEET SAMUEL & KATHLEEN A
1595 JOHN PAUL CT
OXFORD MI 48371

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PETH NICHOLAS A
1629 E STATE ROUTE 73
WAYNESVILLE OH 45068

CLENNON LAWRENCE
20641 W COUNTY RD
WILMINGTON IL 60481

ANDREWS BERNARD C TR
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

TOWNSEND DOUGLAS Y
2060 COMMERCE DR
SIDNEY OH 45365

DOAN BEVERLY CLARKE &
9737 WADSWORTH BLVD
WESTMINSTER CO 80021

LEVEE STUART E & CAROL A
9217 WILLOWCREST CT
FORT MYERS FL 33908

SEQUEIRA THOMAS M &
6960 NORVALE CIR W
GATES MILLS OH 44040

T JOY RENTALS LLC
211 W HIGH ST
BRYAN OH 43506

MANAGER LINK LLC
3404 ADAMS RD
OAK BROOK IL 60523

FINISH STRONG LLC
673 CADDE TRAIL
SCROGGINS TX 75480

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VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

DEUTSCH RANDALL P & KAREN M
1524 WATERFORD RD
NORTH AURORA IL 60542

PREMIUM PROPERTIES LP
440 W CAIRNS ST
ELLSWORTH WI 54011

KLB HOLDINGS LLC
6041 NORTH LINDBERG
HAZELWOOD MO 63042

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

SHEMROSKE JIM & LISA J +
13412 ROUND BARD RD
PLAINFIELD IL 60585

CLIFFORD DANIEL EUGENE &
1442 194TH AVE
BALSAM LAKE WI 54810

ATKINSON SUSAN MARY
8 FIELDWAY RD STE 614
TORONTO ON M8Z 0C3
CANADA

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

ZACHARIAS KENNETH R &
16 EDMUND ST
GREEN BAY WI 54302

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BROWN DAVID L TR
13 WARD LN
CINCINNATI OH 45246

LAYMAN JOSEPH E & MONICA B TR
140 ALLEN ST
WALWORTH WI 53184

JOSEPH N NAMOUR TRUST +
18340 CREEK DR
FORT MYERS FL 33908

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

MASON GEORGE E & ALICIA D L/E
3436 COUNTRYSIDE PATH
THE VILLAGES FL 32163

FICK RICHARD C & CAROLINE T
4311 WIMBLEDON DR
HARRISBURG PA 17112

TRIEGLAFF MARK A
915 EDDY CT
WHEATON IL 60187

ABDULLAH AFZAL
6136 EAGLE RIDGE CT
BETTENDORF IA 52722

FREEDOM LIBERTY PROPERTIES LLC
26072 N HILL AVE
WAUCONDA IL 60084

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

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RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
BARRINGTON IL 60010

HART RANDALL D +
NEW YORK LIFE
153 S MAIN ST
COLUMBIANA OH 44408

BAER DENNIS L TR
1418 SAND CASTLE RD
SANIBEL FL 33957

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HEMBROUGH JOSHUA HOWARD &
505 EMILIE DR
LAFAYETTE IN 47906

FRANCIS1704 LLC
709 CAPE CORAL PKWY W
CAPE CORAL FL 33914

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

S & G PROPERTY MANAGEMENT LLC
3051 DANA POINTE DR
PINCKNEY MI 48169

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WIEDER FLORENCE + ROBERT TR
3614 KINGS CROWN BLVD
FORT MYERS FL 33908

DAVIS ALAN & JANET
2560 MATTHEW JOHN DR
DUBUQUE IA 52002

ZURI CAY LLC
1650 LILAC LANE SW
BYRON MN 55920

GOWDY WILLIAM G & JEAN B
12737 IVORY STONE LOOP
FORT MYERS FL 33913

OLESCYSKI JAIME ALLEN
109 MANIZAKS AVE
PUNTA GORDA FL 33983

CC SQUARED HOLDINGS INC
13923 LILY PAD CIRCLE
FORT MYERS FL 33907

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GOLOSOW LORRAINE &
33 FALCONWOOD COURT
FORT MYERS FL 33919

WHITE MARI TAKAYAMA
908 VILLAS DR #3
VENICE FL 34285

JASPER COM LLC
JAMES VOLPE
3319 MANSION WAY
COLUMBUS OH 43221

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CLASSE PROPERTIES LLC
4707 61ST ST
HOLLAND MI 49423

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

PINKERTON RICHARD A &
406 WAYNE ST
JOHNSTOWN PA 15905

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

832 LLC
832 HEATHWOOD DR
MARCO ISLAND FL 34145

CAMPBELL FAMILY LTD PTNRSHP I
1375 N 800 W
TIPTON IN 46072

DI-AN 2 LLC
4560 ESTERO BLVD APT 501
FORT MYERS BEACH FL 33931

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HOFF LARRY F & ANGELA M
5665 SUGARWOOD DR
NEW ALBANY OH 43054

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PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

FERGUSON ROBERT P & ROSE M TR
16935 TIMBERLAKES DR
FORT MYERS FL 33908

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

MEES JUERGEN +
HUMMEL STRASSE 6
BERLIN 12623
GERMANY

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

H C J ASSOCIATES LLC
161 EGRET ST
FORT MYERS BEACH FL 33931

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

GIRNYS DENNIS J TR
18243 DEEP PASSAGE LANE
FORT MYERS BEACH FL 33931

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PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

NELSON DOUGLAS G & MARY M
1424 11TH ST
ARGYLE TX 76226

PIZZANO JOSEPH V & MARIE J
22541 BAYCREST RIDGE DR
ESTERO FL 34135

JACKSON LAND CO LLC
126 S 7TH ST
MIAMISBURG OH 45342

GIBBONS GREGORY MICHAEL &
55 WOOD MANOR PL
THE WOODLANDS TX 77381

SIMONS LARRY A & DARLENE D
5364 MALALUKA CT
CAPE CORAL FL 33904

BEACH COAST PROPERTIES LLC
45 TRINITY CHAPEL RD
ASHEVILLE NC 28805

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LA PALMA WEST LLC
6741 ORANGE DR
FORT LAUDERDALE FL 33314

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

PANETTA RONALD J & NANCY I
26445 DOXTATOR ST
DEARBORN HEIGHTS MI 48127

MARSO ANN E
14575 WILDS VIEW NW
PRIOR LAKE MN 55372

SCHULTZ DOREEN C
4 MYERS PL
DELANCO NJ 08075

KIRKPATRICK CARLISLE III TR +
PO BOX 1944
CADIZ KY 42211

CLIFFORD DANIEL & SANDRA
1442 194TH AVE
BALSAM LAKE WI 54810

TALSMA TIMOTHY D TR
4851 QUINCY ST
HUDSONVILLE MI 49426

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BEACH FAMILY TRADITIONS LLC
2875 DANA POINTE DR
PINCKNEY MI 48169

KARETA KENNETH C &
4138 RICH DR
WATERFORD MI 48329

SIMPKINS MATTHEW J
10275 RANGER HWY
MORENCI MI 49256

GOODIN PROPERTIES LLC
15228 FIDDLESTICKS BLVD
FORT MYERS FL 33912

RICHTER FRANK J & LORETTA M
647 SIGNAL HILL RD
NORTH BARRINGTON IL 60010

BETZRUHEN LLC
2330 E PARIS AVE SE
GRAND RAPIDS MI 49546

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VICKERY STEVEN B &
1509 E 77TH ST
INDIANAPOLIS IN 46240

SHEREN MICHAEL E TR
75 E OLD MILL TRL
ANTIOCH IL 60002

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

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GRAY JOHN R JR & JANE E
15537 FIDDLESTICKS BLVD
FORT MYERS FL 33912

DISILVESTRO LYNN M TR
733 N FORREST AVE
ARLINGTON HEIGHTS IL 60004

LALLY ROBERT J &
719 CRAWFORD AVE
SYRACUSE NY 13224

LEWIS RANDY & TERRY
3221 LINDEN CIR
PRIOR LAKE MN 55372

LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BOUNDS ROSEANNE H
3842 NW 22ND ST
CAPE CORAL FL 33993

BARAN JOSEPH W JR &
1102 PHILIPS ST
BADEN PA 15005

SCHMIDT EDWIN H TR
2004 PLYMOUTH RD #221
MINNETONKA MN 55305

REVIS LINDA C +
43031 BOARDWALK LOOP
PUNTA GORDA FL 33982

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PELLA KATHLEEN G TR
1079 CALOOSAHATCHEE DR SW
MOORE HAVEN FL 33471

KAECHLE CLARENCE W
31775 EASTLADY
BEVERLY HILLS MI 48025

NAGARATHINAM S V & CHRITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

GROSSKOPF MARK R
1000 N WATER ST #950
MILWAUKEE WI 53202

IFG HOLDINGS LLC
4540 BARTHOLOMEW DR
PLEASANT HILL IA 50327

NAGARATHINIM S V & CHITHRA
3630 CASITAS DR
JACKSONVILLE FL 32224

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

200-601 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

CHICAGO TITLE TIMESHARE LAND T
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

HAMMERNIK KEITH M TR
13640 W LINFELD CT
NEW BERLIN WI 53151

CUSACK MICHAEL J &
15134 BROLIO LN
NAPLES FL 34110

200 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

BRUNER MICHAEL J & SUSAN L
PO BOX 447
HERSCHER IL 60941

RECK SCOTT A & MARYLEE A
7550 32ND AVE S
GRAND FORKS ND 58201

KLAVANS ALAN L + KAREN R TR
8113 KEY WEST DOVE ST
WINTER GARDEN FL 34787

BORKOWSKI DUANE E TR
694 SEABISCUIT DR
TROY MI 48084

GLOMERLOT PROPERTIES LLC
3075 DANA POINTE DR
PINCKNEY MI 48169

SCHANE JAMES R TR
PO BOX 5434
WOODRIDGE IL 60517

174 PASSAIC AVENUE LLC
25 SOUTH RD
MENDHAM NJ 07945

RIEDEL THOMAS R TR
5949 ASHFORD LN
NAPLES FL 34110

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LIOTTA VINCENZO S &
1000 MERRY LN
OAK BROOK IL 60523

PUORRO ANTHONY TR
50133 JOY LANE
EAST LIVERPOOL OH 43920

CAMPBELL FAMILY LTD PARTNERSHI
21557 SHORE VISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LIMITED PARTNE
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

PSVC LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

MAIN REAL-ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E STE 208
CAPE CORAL FL 33904

LOFFRENO REAL ESTATE INC
2100 ESTERO BLVD
FORT MYERS BEACH FL 33931

DEUTSCH RANDALL P
1524 WATERFORD RD
NORTH AURORA IL 60542

DURR KENNETH C & DONNA M L/E
4830 WESTGATE RD
MINNETONKA MN 55345

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DANIEL W BENECKE TRUST +
PO BOX 24
RIDGEVILLE CORNERS OH 43555

PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

CECIL LUDVIK FRANK & EVA
2900 NE 14TH ST CSWY UNIT 1005
POMPANO BEACH FL 33062

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

GORDEE BRADLEY TR
2685 MAPLE DR
MCFARLAND WI 53558

CECIL LUDVIK & EVA
2900 NE 14TH ST CSWY #1005
POMPANO BEACH FL 33062

CUATRO AMIGOS PROPERTIES LLC
2623 HARRISON WOODS RD
TERRE HAUTE IN 47805

TYSON FARRELL C II &
PO BOX 100181
CAPE CORAL FL 33910

RICHTER JULIETTE TR
1832 BANK ST
BALTIMORE MD 21231

MERSCHMAN GEORGE & LINDA TR
1421 E LAKE SHORE DR
SPRINGFIELD IL 62712

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BRISTOL DAVID C
4149 MIDWAY RD
HERMANTOWN MN 55811

NAGARATHINAM SUNDARAM V &
3630 CASITAS DR
JACKSONVILLE FL 32224

VIEAU MARK R & SHERYL
4946 W PIKE LAKE RD
DULUTH MN 55811

JO MAR FAMILY LLC
PO BOX 696
NEW BALTIMORE MI 48047

ASHTON VICTORIA M +
PO BOX 538
SANIBEL FL 33957

CECIL LUDVIK F & EVA
2900 NE 14TH STREET CSWY #1005
POMPANO BEACH FL 33062

200-907 ESTERO BOULEVARD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

PARADOWSKI KATHLEEN
4521 E LAKE RD
WILSON NY 14172

MAIN REAL ESTATE + CAPITAL LLC
1314 CAPE CORAL PKWY E #208
CAPE CORAL FL 33904

PALMA VICTOR J & KAREN L
101 N MARION CT APT 234
PUNTA GORDA FL 33950

FERRY REALTY LLC
3 AJOOTIAN WAY UNIT D-10
MIDDLETON MA 01949

CASH DOUGLAS A
PO BOX 1317
BELOIT WI 53512

VIEAU MARK R + SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

TRI BOELTER PROPERTIES LLC
105 MAPLE LANE
WINONA MN 55987

ZAKO VACATIONS INC
2358 LEEDS CROSSING
LONDON ON N6M 0E4
CANADA

200-906 ESTERO BLVD LLC
DOUGLAS SAVAGE
12320 GLOBE ST
LIVONIA MI 48150

COLE HARLEY J & BRENDA V
PO BOX 101674
CAPE CORAL FL 33910

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

SWIFT KAREN B TR
3939 CRAYTON RD
NAPLES FL 34103

BRUNETTI ROBERT G TR
2532 ESTERO BLVD #303
FORT MYERS BEACH FL 33931

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JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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JABO LLC
8015 W KENTON CIR STE 220
HUNTERSVILLE NC 28078

JABO LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

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19354 WATERMARK DR STE 201
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JABO LLC
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JABO LLC
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19354 WATERMARK DR STE 201
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PINK SHELL PROPERTY HOLDINGS L
14791 LAGUNA DR
FORT MYERS FL 33908

JOHNSON CHRISTOPHER G &
469 CAMBRIDGE WAY
BOLINGBROOK IL 60440

PETH NICK A
PO BOX 580
WAYNESVILLE OH 45068

DENMAR PROPERTIES LLC
1502 ST CHARLES ST
WAUWATOSA WI 53213

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

MERTZ SUSAN SMOOT
1252 CALOOSA DR
FORT MYERS FL 33901

KIRSCH VINCENT J
3932 LEFORT RD
STRYKERSVILLE NY 14145

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

ROOT LARRY W & JANE E
1559 WESLEY CHAPEL RD
MITCHELL IN 47446

KRUGER KATHLEEN & RYAN D
2519 SUTHERLAND CT
CAPE CORAL FL 33991

MCKEE FAMILY PROPERTIES LLC
7 E DOW ST
TIPP CITY OH 45371

HEALING SPACES 2 LLC
1635 CONCORDIA ST
WAYZATA MN 55391

VOLPE JAMES M
3319 MANSION WAY
COLUMBUS OH 43221

HOSTETTER KURT & LORI
4198 BAY BEACH LN #164
FORT MYERS BEACH FL 33931

5CS LLC
PAUL CHAMBRE
780 CAL COVE DR
FORT MYERS FL 33919

BALA PROPERTIES LLC
8355 CHESAPEAKE DR
NORTH RIDGEVILLE OH 44039

VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

ALLEN NICK JOHN &
113-198 SPRINGBANK DR
LONDON ON N6J 1G1
CANADA

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VIEAU MARK R & SHERYL L
4946 W PIKE LAKE RD
DULUTH MN 55811

KANDA RIDGE LLC
500 LINDEN OAKS #130
ROCHESTER NY 14625

LANDAU ANGELA +
2020 SE 27TH TER
CAPE CORAL FL 33904

TRIEGLAFF MARK
915 EDDY CT
WHEATON IL 60187

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

WITT JASON A + KATHLEEN M
45897 DENISE DR
PLYMOUTH MI 48170

WENTWORTH JEFFREY R
3630 E LOWER SPRINGBORO RD
WAYNESVILLE OH 45068

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

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19354 WATERMARK DR STE 201
CORNELIUS NC 28031

501 CAPTIVA VILLAS LLC
120 N GLENHURST
BLOOMFIELD HILLS MI 48301

SCHAULS WILLIAM R + VALETTA TR
412A LEE ST
DURAND WI 54736

AMM VILLA SERVICES INC
MICHAEL MOHR
IM VOGELSANG 25B
VALLENDAR 56179
GERMANY

LOFFRENO CHRISTIAN
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

CAMPBELL FAMILY LTD PTNRSHP 1
21557 SHOREVISTA LN
NOBLESVILLE IN 46062

BYRNE WILLIAM M & DEBORAH L
14505 MORNINGSIDE RD
ORLAND PARK IL 60462

DANGELO LAURA M & ROBERT V TR
21213 EQUESTRIAN TRAIL
NORTHVILLE MI 48167

SOLLAZZO LUIGINA A & PAUL J
21 WESTBROOK CT
BRIDGEWATER NJ 08807

SCHMITT DANIEL R & SUSAN L
15410 CATALPA COVE LN
FORT MYERS FL 33908

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GIPEAN INC
PO BOX 4366
LAKE CHARLES LA 70606

S & L CAMPBELL FAMILY LIMITED
20927 EDGEWATER DR
NOBLESVILLE IN 46062

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
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LOFFRENO CHRISTIAN P
17916 GREY HERON CT
FORT MYERS BEACH FL 33931

COLVIN TIMOTHY JAY +
15429 TAYLOR TRACE DR
CARMEL IN 46033

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR #201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

CAPTIVA VILLAS DEVELOPMENT LLC
19354 WATERMARK DR STE 201
CORNELIUS NC 28031

SUPPLEMENT PH-A
SPECIAL EXCEPTION

Case# _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-A

Additional Required Information for a Special Exception Application

This is the second part of a two-part application. This part requests specific information for a special exception. Include this form with the Request for Public Hearing form.

Project Name: Pink Shell Special Exception
Authorized Applicant: Sarah Spector, Roetzel & Andress
LEEPA STRAP Number(s): 24-46-23-W1-00700.0340,
24-46-23-W1-00700.037A, and 24-46-23-W1-00700.0330

Current Property Status: Improved resort
Current Zoning: CPD, MPD, and EC
Future Land Use Map (FLUM) Category: Mixed Residential and Recreation
Platted Overlay? ☑ **yes** ☑ **no** **FLUM Density Range:** 6 du/acre

Requested Action:

☐ Use of premises in the EC (Environmentally Critical) zoning district for:
Pool fence with gates, pavers, six (6) chickee huts, and irrigation to support lawn and
landscaping
☐ Use of premises in the _____ zoning district for:

Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

PART I
Narrative Statements

A. **Request for:** (indicate the proposed use that requires a special exception)

special exception to allow for a pool fence with gates, pavers, six (6) chickee huts,
and irrigation to support lawn and landscaping

B. **Reasons for request:** (state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property qualifies for a Special Exception because:
Please see attached narrative.

Granting the requested Special Exception could impact surrounding properties as follows:
Please see attached narrative.

PART 2
Submittal Requirements

All applications for a special exception must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

- Public Hearing Request Form
- Supplemental form PH-A
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; all proposed structures and uses for the site; and any proposed fencing and screening.
- Fee in the amount of $3800.00/$3300.00 for an amendment

For New Communication Towers:

a. Lee County Application for Communication Tower
b. Shared-Use Plan Agreement

For Consumption of Alcoholic Beverages (COP) license approval:

a. Notarized authorization from the Property Owner to apply for permit
b. A statement indicating the type of establishment, the type of state license to be acquired, and the planned hours of operation. Also indicate if the request includes outdoor seating areas and indicate the seating areas and capacity on the site plan.
c. A map showing the locations of other properties within 500 feet of the request where consumption-on-premises uses are already in operation.
d. The site plan must include the public entrances and exits to the building, the floor area and proposed seating capacity, and floor area and seating capacity of any areas within the building subdivided between restaurant and bar/lounge areas. The site plan should also indicate the parking area, including the spacing and the locations of entrances and exits.

For transit terminals:

The site plan must indicate the location of the bus stalls; commuter parking areas, if provided; taxi waiting stalls; circulation pattern for buses including the entrances and exits; and the location of any building(s) housing the terminal and waiting areas.

For use of the EC zoning district:

a. If the location of the request is in the portion of the EC zoning district between Estero Boulevard and the Gulf of Mexico, provide a survey meeting the requirements of Chapter 62B-33.0081 of the Florida Administrative Code, also including the precise location of the (1978) Coastal Construction Setback Line for Estero Island recorded in Plat Book 33, Page 3, of the Official Records of Lee County, Florida.
b. The site plan must indicate the precise location of the request on the subject property and any related details of the existing conditions or planned improvements to the subject property. For areas in the EC zoning district between Estero Boulevard and the Gulf of Mexico, the precise location of the request in relation to the (1978) Coastal Construction Setback Line must be shown on the site plan.

Case# _____ Date Received: _____

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.
Project Name must be the same as the name used on the Request for Public Hearing form.
Authorized Applicant must be the same as on the Request for Public Hearing form.
STRAP numbers must be the same as on the Request for Public Hearing form.
Current status of property must be the same as on the Request for Public Hearing form.
Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements:

"Request for…"
Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because…"
Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.

- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.

- Whether the request meets or exceeds all performance and locational standards for the proposed use.

- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.

- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.

- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows…"
Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

Submittal Requirements Check List and Filing Guide

☐ **A completed Public Hearing Application Form.**

A completed Supplemental form PH-A.

☑ **Site Plan**. The site plan should be to scale and should indicate the location of the request on the property. Existing buildings and other improvements (such as swimming pools, fences, decks, or parking lots) should also be shown on the site plan. The site plan should also indicate the existing uses on adjacent properties. Also include any additional relevant detail related to the specific request.

Guide to Filing Supplement PH-A for Special Exceptions

Case Number will be inserted by Community Development staff.
Project Name must be the same as the name used on the Request for Public Hearing form.
Authorized Applicant must be the same as on the Request for Public Hearing form.
STRAP numbers must be the same as on the Request for Public Hearing form.
Current status of property must be the same as on the Request for Public Hearing form.
Requested Action: Indicate the nature of the request and include the current zoning of the property.

Part 1 Narrative Statements: "Request for…"

Indicate the nature of the request that requires a special exception, and explain why it requires a special exception. Describe the relationship of the requested use to any existing use(s) of the property, if applicable.

"The property qualifies for a special exception because…"

Explain why the request and the subject property qualify for a special exception. Address the standards for decision-making for special exceptions that are provided in the Land Development Code, as follows:

- Whether there exist changed or changing conditions which make approval of the request appropriate.
- Whether the request is consistent with the goals, objectives, policies, and intent of the Fort Myers Beach Comprehensive Plan.
- Whether the request meets or exceeds all performance and locational standards for the proposed use.
- Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.
- Whether the request will be compatible with existing or planned uses ad not cause damage, hazard, nuisance, or other detriment to persons or property.
- Whether a requested use will be in compliance with the applicable general zoning provisions and supplemental regulations set forth in Chapter 34 of the Land Development Code.

"Granting the requested special exception could impact surrounding properties as follows…"

Explain how this request, if granted for the subject property, could affect the surrounding properties and the existing or planned uses on those properties.

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government

corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1

B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy line. Exhibit 6-2
C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must have either of the affidavits in Part V & VI, notarized, signed and submit, as applicable.

SUPPLEMENT PH-A
NARRATIVE

SPECIAL EXCEPTION REQUEST SUPPLEMENT PH-A NARRATIVE

A. REQUEST

(indicate the proposed use that requires a special exception)

This is a request for a special exception to allow for a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping waterward of the Coastal Construction Control Line (CCCL) in the Environmentally Critical (EC) zoning district.[1] The location of the CCCL is highlighted in yellow on the Site Plan included with this application, with the area to the west and waterward of the CCCL being the area at issue in this request. The items shown on the Site Plan in this area were in place prior to Hurricane Ian and, as such, the request is simply to replace the items that were destroyed by the storm.

B. REASONS FOR REQUEST

(state how the property qualifies for a special exception and what impact granting the request could have on surrounding properties. Direct these statements toward the guidelines in LDC Section 34-88)

The property that is the subject of this request has been given an EC zoning designation. While the purpose of the EC zoning district is to designate beaches and significant wetlands whose preservation is deemed critical to the Town of Fort Myers Beach, Section 34-652(e) of the Town of Fort Myers Beach Land Development Code (the "LDC") does allow for the placement of certain improvements on properties with this designation. Specifically, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district.

The term "*minor structure*" is defined in Section 34-2 of the LDC as "a small, accessory structure that is considered expendable under design wind, wave, and storm forces and are of a size and design to have a minor impact on the beach and dune system. Minor structures do not include structures supported by or extensions of the principal structure." It is also defined in Section 6-333 of the LDC as follows:

> Minor structure includes, but is not limited to, pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences,

[1] The four (4) cabanas shown waterward of the CCCL line towards the northern property line will not be permanent, but rather moveable, akin to a "temporary, movable structure on private property that does not alter the natural environment, landscape or obstruct pedestrian traffic," as described as a permitted use in Section 34-652(d) of the LDC. Similarly, the two tiki huts shown closest to the water are not included in this request because they, too, meet the definition of a permitted use because they are moveable and do not have the characteristics that would preclude the use.

> ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be characteristic of minor structures that they are considered expendable under design wind, wave, and storm forces.

The items that are the subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure* and are either identical or akin to those items underlined in the quoted section above.

Town Council is given authority to allow for the placement of items on property with an EC zoning designation, including those that are the subject of this request, through the Special Exception process laid out in Section 34-88 of the LDC. Each of the criteria identified in Section 34-88 is set forth below with an analysis of applicability following each one.

1. *Whether there exist changed or changing conditions which make approval of the request appropriate.*

Changed conditions do exist on the property that is the subject of this request. As noted above, all items for which a Special Exception is being sought were in place, in the same location, prior to Hurricane Ian. Additionally, a number of the requested items are shown on the approved Master Concept Plan (MCP). This request is simply to return the property to the condition it was in prior to the storm.

2. *The testimony of any applicant.*

The testimony of the applicant will be provided at the public hearings on the Special Exception request.

3. *The recommendation of staff and of the local planning agency.*

The recommendation of staff will be provided prior to the public hearings on the Special Exception request. The recommendation of the local planning agency will be provided in advance of the Town Council hearing on the request.

4. *The testimony of the public.*

The testimony of the public, if any, will be provided at the public hearings on the Special Exception request.

5. *Whether the request is consistent with the goals, objectives, policies and intent of the Fort Myers Beach Comprehensive Plan.*

The property that is the subject of this request has been given a Recreational future land use designation. Policy 4-B-8 of the Future Land Use Element of the Town of Fort Myers Beach Comprehensive Plan provides the following relative to the Recreational designation:

> "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 this category. Allowable uses are parks, schools, libraries, bathing beaches, beach access points, and related 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%.

The request does not propose any new residential development. Rather, it proposes the placement of minor structures that are accessory uses to support both the hotel resort uses on the adjacent Commercial Planned Development (CPD)- and Mixed Used Planned Development (MPD)-zoned property as well as the bathing beach use of the EC-zoned property. Accordingly, the request is consistent with the goals, objectives, policies, and intent of the Comprehensive Plan.

6. *Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.*

Pursuant to Section 34-652(e)(4) of the LDC, minor structures requiring a special exception must be located as close to the landward edge of the EC zoning district line as possible and must minimize adverse effects on the beach and dune system. The items will be placed back in the same locations that they were prior to Hurricane Ian. These locations were chosen in part to minimize any adverse effects on the beach and dune system.

7. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources.*

The minor structures proposed to be added by this request will be placed in the same locations as they were previously located. There is no historical record of the previous minor structures having any impact on environmentally critical areas or natural resources and, as such, it is not anticipated that the proposed structures will have an impact on environmentally critical or natural resources.

8. *Whether the request will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property.*

The request is compatible with the existing and planned resort hotel and associated accessory uses on the adjacent property, including but not limited to the existing pools and hot tubs that are located wholly within the property zoned either CPD or MPD. As was the case with the previous structures in this location, there is no anticipated damage, hazard, nuisance, or other detriment to persons or property associated with the proposed location of the replacement structures.

9. *Whether a requested use will be in compliance with applicable general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.*

As noted above, Section 34-652(e)(4) of the LDC provides that the Town Council may approve the placement of certain *minor structures* within the EC zoning district. The items that are the

subject of this request (a pool fence with gates, pavers, six (6) chickee huts and irrigation to support lawn and landscaping) fit within the definition of *minor structure*, as set forth in Section 34-2 of the LDC, and are either identical or akin to those items underlined in Section 6-333 quoted above. Accordingly, the requested uses will be in compliance with applicable general zoning provisions and supplemental regulations.

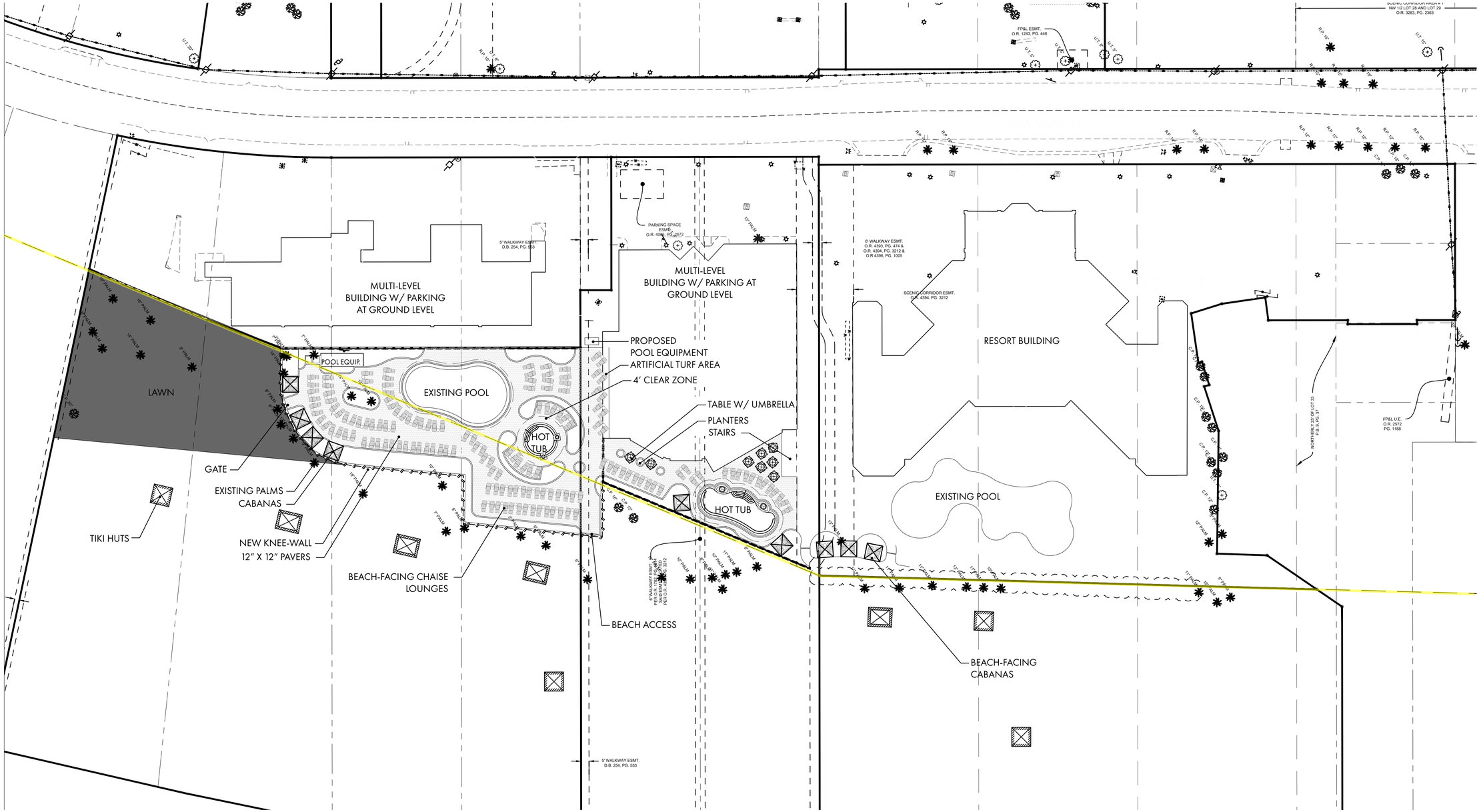
Given that the request meets the foregoing criteria, and that granting the special exception is not contrary to the public interest and the health, safety, comfort, convenience, and welfare of the citizens of the town, the LDC provides that the Town Council shall grant the special exception. We respectfully request that the Town Council do so.

C. IMPACT ON SURROUNDING PROPERTIES

(explain how granting the requested Special Exception could impact surrounding properties)

The location of these items prior to Hurricane Ian had no reported impact on surrounding properties. Given that the items will be placed back in their original location, there is no anticipated impact on surrounding properties.

SITE PLAN



TOTAL CHAIR COUNT: 170

Copyright RVi

RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
Tel: 239.405.7777
www.rviplanning.com

PINK SHELL RESORT • **POOL DECK CONCEPT**

Lee County, FL
October 16, 2023
23004319

0 30' 60'
SCALE: 1" = 30'-0"
For illustrative purposes only.
Subject to change without notice.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-1434**

1. **Requested Motion:** **Meeting Date: February 13, 2024**

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO 1) REQUIRE ALL MANUFACTURED HOMES INSTALLED OR REPLACED IN SPECIAL FLOOD HAZARD AREAS TO BE ELEVATED AT OR ABOVE AT LEAST THE BASE FLOOD ELEVATION PLUS 1 FOOT; 2) ADOPT THE NOVEMBER 17, 2022 FLOOD INSURANCE STUDY FOR LEE COUNTY FLORIDA AND INCORPORATED AREAS; 3) CHANGE TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; AND 4) AMEND THE DEFINITIONS OF MARKET VALUE AND SUBSTANTIAL DAMAGE, IN ORDER TO COMPLY WITH RECENT CHANGES TO THE COMMUNITY RATING SYSTEM NECESSARY TO RETAIN A CLASS 8, WHICH ASSIST THE TOWN IN MAINTAINING ITS CLASS 5 COMMUNITY RATING SYSTEM DESIGNATION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:
The LPA recommends ordinances to Town Council.

What the action accomplishes:
Approval of the ordinance will satisfy requirements from FEMA, the state, and Community Rating System requirements for Class 8.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

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5. **Background:**
1) Require all manufactured homes installed or replaced in special flood hazard areas to be elevated at or above at least the Base Flood Elevation plus 1 foot; 2) Adopt the November 17, 2022 Flood Insurance Study for Lee County Florida and Incorporated areas; 3) change to substantial improvement and substantial damage determinations; and 4) amend the definitions o market value and substantial damage, in order to comply with recent changes to the COmmunity Rating System, necessary to retain Class 8 rating, which assists the Town in maintaining its class 5 Community Rating System designation.

Attachments:
1. 24-03, Business Impact Estimate
2. 24-03, Flood Ordinance Update
3. fdem-ofm_guidance_assessed_value_adjustment_factor_12-07-22
4. fdem-sfmo_guidance_market-value_2-22-22

Financial Impact:
No financial impact

6. **Alternative Action**
These amendments are required by the state and FEMA. The requirement to elevate mobile homes is to satisfy the CRS Class 8 requirement.

7. **Staff Recommendations:**

Approve

8. **Recommended Approval:**

_____ Date: January 26, 2024

Frankie Kropacek, Operations & Compliance Director

_____ Date: February 08, 2024

Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024

Amy Baker, Town Clerk

Business Impact Estimate

Proposed ordinance's title/reference:
Ordinance 24-03 Flood Ordinance Update

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance, (e.g. statement of the public purpose serving the public health, safety, morals and welfare):
The proposed ordinance amends the existing Section 34-3238 which applies to buildings with 50% or more damage. The amendment will allow the structure to be rebuilt with the same number of legally existing, but nonconforming units and allow some additional square footage, beyond what the code previously allowed.

[1] See Section 166.041(4)(c), Florida Statutes.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, including the following, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 24-03.

Ordinance 24-03 does not impose any new charge or fee on businesses.

There are no new charges or fees that will be imposed on businesses by the ordinance.

The Town will not likely incur additional costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
The Town believes that businesses would not be impacted by this ordinance.

4. Additional information the governing body deems useful (if any):
N/A

ORDINANCE NO. 24-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE IV OF CHAPTER 6 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF FORT MYERS BEACH TO 1) REQUIRE ALL MANUFACTURED HOMES INSTALLED OR REPLACED IN SPECIAL FLOOD HAZARD AREAS TO BE ELEVATED AT OR ABOVE AT LEAST THE BASE FLOOD ELEVATION PLUS 1 FOOT; 2) ADOPT THE NOVEMBER 17, 2022 FLOOD INSURANCE STUDY FOR LEE COUNTY FLORIDA AND INCORPORATED AREAS; 3) CHANGE TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS; AND 4) AMEND THE DEFINITIONS OF MARKET VALUE AND SUBSTANTIAL DAMAGE, IN ORDER TO COMPLY WITH RECENT CHANGES TO THE COMMUNITY RATING SYSTEM NECESSARY TO RETAIN A CLASS 8, WHICH ASSIST THE TOWN IN MAINTAINING ITS CLASS 5 COMMUNITY RATING SYSTEM DESIGNATION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town of Fort Myers Beach participates in the National Flood Insurance Program ("NFIP") and participates in the NFIP's Community Rating System ("CRS"), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and,

WHEREAS, the Town of Fort Myers Beach achieved a CRS rating of Class 5, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020, the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or lower; and

WHEREAS, to satisfy the prerequisite and for the Town of Fort Myers Beach to maintain the current CRS rating, changes were needed to the existing ordinance, including but not limited to a requirement that all manufactured homes installed or replaced in special flood hazard areas must be elevated at or above at least the base flood elevation plus 1 foot; and

WHEREAS, Sections 553.73(4) and (5), Florida Statutes authorizes a local government to make amendments to its building codes as needed, and specifically as may be needed to further implement the National Flood Insurance Program; and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on the ___ day of _____, 2024, at which time the LPA gave full and complete consideration of the request, recommendations by staff, the documents in the record, and the testimony of all interested persons, and made a finding of consistency with the Ft. Myers Beach Comprehensive Plan and Land Development Code and thereafter voted _____, to recommend approval of the requested ordinance amending Article IV of Chapter 6 of the Land Development Code to the Town Council; and

WHEREAS, on the ___ day of _____, 2024, the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the request of the proposed ordinance to amend Article IV of Chapter 6 of the Land Development Code, the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, a Business Impact Estimate was prepared and posted on the City's website on the ___ day of _____, 2023, as required by Section 166.041(4), Florida Statutes; and

WHEREAS, an advertisement of the public hearing for adoption of the proposed ordinance was published in the _____ on the ___ day of _____, 10 days prior to the second reading of the proposed Ordinance as required by Section 166.041, Florida Statutes; and

WHEREAS, on the ___ day of _____, 2024, the Town Council held a second reading of the proposed Ordinance; and

WHEREAS, the Town Council determined by a vote of ___ to ___ that adoption of the Ordinance to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating, is in the best interest of the public.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:[1]

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Article II of Chapter 6 of the Land Development Code of the Town of Fort Myers Beach entitled "Building Codes" is hereby amended as shown in Exhibit A.

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[1]/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as strikethrough.

Section 3. Article IV of Chapter 6 of the Land Development Code of the Town of Fort Myers Beach entitled "Floodplain Regulations" is hereby amended as shown in Exhibit B.

Section 4. The Town Council intends that the provisions of this ordinance be made a part of the Fort Myers Beach Land Development Code, and that sections herein may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish codification; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Town Manager without further process.

Section 5. Whenever the requirements or provisions of this Ordinance conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. This Ordinance shall become effective upon adoption by the Town Council. The City Clerk shall provide a copy of the Ordinance amending the Building Code to the Florida Building Commission within 30 days of adoption.

The forgoing Ordinance was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put on a roll call vote, the results was as follows:

Dan Allers, Mayor	___
Jim Atterholt, Vice Mayor	___
John R. King, Council Member	___
Karen Woodson, Council Member	___
VACANT	N/A

ADOPTED this ___ day of _____, 2024 by the Town Council of the Town of Fort Myers Beach, Florida

TOWN OF FORT MYERS BEACH

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm , Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this ___ day of _____, 2024.

ARTICLE IV. - FLOODPLAIN REGULATIONS

DIVISION 1. - GENERAL

Sec. 6-401. - Title.

These regulations shall be known as the Floodplain Management Ordinance of Fort Myers Beach, hereinafter referred to as "this article."

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-402. - Scope.

The provisions of this article apply to all development that is wholly within or partially within any flood hazard area, including but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-403. - Intent.

The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development that may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-404. - Coordination with the Florida Building Code.

This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-405. - Warning.

The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the town to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-406. - Disclaimer of liability.

This article will not create liability on the part of Town Council of the Town of Fort Myers Beach or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-407—6-410. - Reserved.

DIVISION 2. - APPLICABILITY

Sec. 6-411. - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-412. - Areas to which this article applies.

This article shall apply to all flood hazard areas within the Town of Fort Myers Beach, as established in section 6-413.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-413. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Lee County Florida and Incorporated Areas, dated ~~August 28, 2008~~ November 17, 2022, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Fort Myers Beach Town Hall, 2525 Estero Boulevard, Fort Myers Beach, Florida.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-414. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to division 5 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the town indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area will be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-415. - Other laws.

The provisions of this article will not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-416. - Abrogation and greater restrictions.

This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to, land development regulations, zoning ordinances, stormwater management

regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive will govern. This article will not impair any deed restriction, covenant or easement, but any land that is subject to such interests will also be governed by this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-417. - Interpretation.

In the interpretation and application of this article, all provisions will be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-418—6-420. - Reserved.

DIVISION 3. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 6-421. - Designation.

The town manager is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-422. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator will have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures will not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to division 7 of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-423. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the town, will:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination will have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data will be obtained from other sources or will be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-424. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, will:

(1) Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure will be the market value before the damage occurred and before any repairs are made; any appraisal used for the purposes of substantial improvement/substantial damage determinations must be current within one year of work commencing;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; ~~and for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage;"~~ and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.

(Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Sec. 6-425. - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator will review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-426. - Notices and orders.

The floodplain administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-427. - Inspections.

The floodplain administrator will make the required inspections as specified in division 6 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-428. - Other duties of the floodplain administrator.

The floodplain administrator will have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 6-424 of this article;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood

elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Fort Myers Beach are modified; and

(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-429. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and, records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records are available for public inspection at the Town of Fort Myers Beach Town Hall.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs 6-430—6-440. - Reserved.

DIVISION 4. - PERMITS

Sec. 6-441. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area must first make application to the floodplain administrator, and the building official, if applicable, and must obtain the required permits and approvals. No such permit or approval will

be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-442. - Floodplain development permits or approvals.

Floodplain development permits or approvals will be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-443. - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals will be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area that are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-444. - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant must first file an application in writing on a form furnished by the town. The information provided must:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in division 5 of this article.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-445. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article must not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of the town. The issuance of permits based on submitted applications, construction documents, and information will not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-446. - Expiration.

A floodplain development permit or approval will become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each must be requested in writing and justifiable cause must be demonstrated.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-447. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the town.

(Ord. No. 13-06, § 2, 9-3-2013)

Sec. 6-448. - Other permits required.

Floodplain development permits and building permits must include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The South Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-449, 6-450. - Reserved.

DIVISION 5. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 6-451. - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this article must be drawn to scale and must include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, base flood elevations, and ground elevations, if necessary for review of the proposed development.

(2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings must be located landward of the reach of mean high tide or the 1978 Coastal Construction Control Line, whichever is further inland.

(3) Location, extent, amount, and proposed final grades of any filling, grading or excavation.

(4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

(6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-452. - Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant must have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) An operation and maintenance plan when dry floodproofing is proposed, to include:

a. Identification of party responsible for maintenance and installation of the flood barriers that will protect wall and door openings and where the flood barriers will be stored when not in use.

b. Realistic estimate of the manpower, time and equipment required for installation.

c. Binding requirement for present and future owners to conduct a test installation before May 31 of each year of all flood barriers, with ten days' advance written notice provided to the floodplain administrator to witness this test.

d. Binding requirement that upon completion of each annual test, a written report will be submitted by the owners to the floodplain administrator within 30 days to document the results of the test and set forth any corrective measures that may be necessary, including proposed revisions to the operation and maintenance plan as to responsibility for maintenance, installation, and storage of flood barriers.

(2) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates the proposed alteration will not increase the potential for flood damage.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-453. - Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such

purposes. The analyses must be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-454—6-460. - Reserved.

DIVISION 6. - INSPECTIONS

Sec. 6-461. - General.

Development for which a floodplain development permit or approval is required will be subject to inspection.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-462. - Development other than buildings and structures.

The floodplain administrator will inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-463. - Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator will inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this division and the conditions of issued floodplain development permits or approvals.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-464. - Buildings, structures and facilities exempt from the Florida Building Code, Lowest Floor Inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, must submit to the floodplain administrator the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-465. - Buildings, structures and facilities exempt from the Florida Building Code, Final Inspection.

As part of the final inspection, the owner or owner's authorized agent must submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation

of the height of the lowest floor above the highest adjacent grade; such certifications and documentations must be prepared as specified in section 6-464.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-466. - Manufactured homes.

The floodplain administrator will inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor must be submitted to the floodplain administrator.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-467—6-470. - Reserved.

DIVISION 7. - VARIANCES AND APPEALS

Sec. 6-471. - General.

The town council will hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the town council will hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-472. - Appeals.

The town council will hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-473. - Limitations on authority to grant variances.

The town council will base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 6-476, the conditions of issuance set forth in section 6-477, and the comments and recommendations of the floodplain administrator and the building official. The town council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-474. - Historic buildings.

A variance is authorized to be issued for the repair, improvement or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement and rehabilitation will be subject to the requirements of the Florida Building Code.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-475. - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in division 9 of this article, provided the variance meets the requirements of section 6-473, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-476. - Considerations for issuance of variances.

In reviewing requests for variances, the town council will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the town;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-477. - Conditions for issuance of variances.

Variances may be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;

(2) Determination by the town council that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Receipt of a signed statement by the applicant that the variance, if granted, must be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-478—6-480. - Reserved.

DIVISION 8. - VIOLATIONS

Sec. 6-481. - Violations.

Any development that is not within the scope of the Florida Building Code but regulated by this article, which is: (a) performed without an issued permit, (b) in conflict with an issued permit, or (c) does not fully comply with this article, will be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-482. - Authority.

For development that is not within the scope of the Florida Building Code, but regulated by this article and determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-483. - Unlawful continuance.

Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-484—6-490. - Reserved.

DIVISION 9. - DEFINITIONS

Sec. 6-491. - Scope.

Unless otherwise expressly stated, the following words and terms will, for the purposes of this article, have the meanings shown in this division.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-492. - Terms defined in the Florida Building Code.

Where terms are not defined in this division and are defined in the Florida Building Code, such terms have the meanings ascribed to them in that code.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-493. - Terms not defined.

Where terms are not defined in this division or the Florida Building Code, such terms have ordinarily accepted meanings such as the context implies.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-494. - Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification that may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24. A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and *existing structure.* Any buildings and structures for which the "start of construction" commenced before August 31, 1984. [Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 31, 1984.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or *flooding.* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of Fort Myers Beach on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the town, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and determined to be compliant with this article.

Florida Building Code (FBC). The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

(1) Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less that has a vehicular curb weight of 6,000 pounds or less and a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Mangrove stand. An assemblage of mangrove trees, which are mostly low trees noted for copious development of interlacing adventitious roots above the ground, which contains one or more of the following species: black mangrove (*Avicennia germinans*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularis racemosa*), and buttonwood (*Conocarpus erecta*).

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted by a factor provided by the County Tax Assessor ~~upward by 20 percent~~.

~~Any proposed value submitted via a private appraisal that exceeds the property appraiser's valuation by more than 35 percent may be subject to peer review by a qualified local appraiser or submittal of a new independent appraisal, with the full cost of the review or new appraisal paid by the applicant.~~

New construction. For the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 31, 1984 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 31, 1984.~~

Park trailer. A transportable unit that has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01.]

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one- percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. ~~The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred~~. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this article, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 13-06, § 2, 9-3-2013; Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Secs. 6-495—6-500. - Reserved.

DIVISION 10. - FLOOD-RESISTANT DEVELOPMENT

Subdivision I. - Buildings and Structures

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 6-443, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-502. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures must be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building, Section 3109 and Section 1612 or Florida Building Code, Residential, Section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, must be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision II. - Subdivisions

Sec. 6-503. - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, will be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-504. - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following will be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, must be shown on preliminary plats; and

(2) Compliance with the site improvement and utilities requirements of division 10, subdivision III.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision III. - Site Improvements, Utilities and Limitations

Sec. 6-505. - Minimum requirements.

All proposed new development will be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-506. - Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems must be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-507. - Water supply facilities.

All new and replacement water supply facilities must be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24, Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-508. - Limitations on placement of fill.

Subject to the limitations of this article, fill must be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill must comply with the requirements of the Florida Building Code.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-509. - Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands will be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 6-452(1) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures must comply with subsection 6-529(3).

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision IV. - Manufactured Homes

Sec. 6-510. - General.

All manufactured homes installed in flood hazard areas must be installed by an installer that is licensed pursuant to F.S. § 320.8249,and must comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes must comply with the more restrictive of the applicable requirements.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-511. - Limitations on installations in coastal high hazard areas (Zone V).

New installations of manufactured homes shall not be permitted in coastal high hazard areas (Zone V).

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-512. - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas must be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 6-516 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.3 and this article.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-513. - Anchoring.

All new manufactured homes and replacement manufactured homes must be installed using methods and practices that minimize flood damage and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-514. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot. ~~Manufactured homes that are placed, replaced or substantially improved must comply with sections 6-515 or 6-516, as applicable.~~

(Ord. No. 16-02, § 2, 8-8-2016)

~~Sec. 6-515. - General elevation requirement.~~

~~Unless subject to the requirements of section 6-516, all manufactured homes that are placed, replaced or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; or (b) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

(Ord. No. 16-02, § 2, 8-8-2016)

~~Sec. 6-516. - Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 6-515, including manufactured homes that are placed, replaced or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, must be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-515. ~~Sec. 6-517~~. - Enclosures.

Enclosed areas below elevated manufactured homes must comply with the requirements of the Florida Building Code, Residential, Sections R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-516. ~~Sec. 6-518~~. - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing and air conditioning equipment and other service facilities, must comply with the requirements of the Florida Building Code, Residential, Section R322, as applicable to the flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-517—6-518. - Reserved.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision V. - Recreational Vehicles and Park Trailers

Sec. 6-519. - Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas must:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-520. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 6-519 for temporary placement must meet the requirements of division 10, subdivision IV for manufactured homes.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision VI. - Tanks

Sec. 6-521. - Underground tanks.

Underground tanks in flood hazard areas must be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-522. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 6-523 must:

(1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (Zone V).

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-523. - Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas must be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures must meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-524. - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents must be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 16-02, § 2, 8-8-2016)

Subdivision VII. - Other Development

Sec. 6-525. - General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

(1) Be located and constructed to minimize flood damage;

(2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(3) Be constructed of flood damage-resistant materials; and

(4) Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-526. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four inches without turned-down edges, have isolation joints at pilings and columns, and have control or construction joints in both directions spaced no more than four feet apart.

(Ord. No. 16-02, § 2, 8-8-2016; Ord. No. 17-09, § 2, 6-19-2017)

Sec. 6-527. - Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios must be located, designed and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure must have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation must comply with the foundation requirements that apply to the building or structure, which must be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation must be structurally independent from buildings or structures and their foundation systems, and must be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage must not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-528. - Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures may be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and, if analyses prepared by qualified registered design professionals demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-529. - Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection, if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 16-02, § 2, 8-8-2016)

Secs. 6-530—6-600. - Reserved.

Office of Floodplain Management
Florida Division of Emergency Management
Helpline: 850-815-4556 and floods@em.myflorida.com
December 7, 2022

This guidance explains acceptable adjustment factors that are applied to tax assessment value to yield a "**market value**" for the purposes of making Substantial Improvement and Substantial Damage determinations. These determinations are required by the Florida Building Code, Existing Building, when improvements are proposed (or repairs are required) for buildings in mapped Special Flood Hazard Areas. Local floodplain management regulations outline the process for making the determinations.

Definitions for "Substantial Improvement" and "Substantial Damage" appear in the local floodplain management regulations and in the Florida Building Code (Building and Existing Building volumes). Both definitions require the local official to compare the costs of improvements or the costs to repair the damage, to the **market value** of the building before the improvements are made or before the damage was incurred.

ISSUE: ADJUSTMENT FACTORS. In the aftermath of Hurricane Ian and Hurricane Nicole, the FDEM Office of Floodplain Management (OFM) has responded to many questions about market value. In particular, questions have arisen about the adjustment factor that can be applied to the tax assessment value (building only) that is developed and published by county assessment offices.

The following is the definition of "market value," which is modified from the original definition shown in the Florida model ordinance. It is modified to focus on actual cash value and adjusted tax assessment value rather than the "traditional" appraisal approach based on sales of comparable properties. As of late 2022, more than 150 communities have adopted this definition, and many more are developing amendments to modify their existing definitions to match this definition. For more guidance on this definition, see Florida Guidance for Amending the Definition of Market Value (link at the bottom of this guidance).

> **Market value.** The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

CONCLUSION. A small number of Florida communities have codified a fixed adjustment factor, usually expressed as a percentage. **In consultation with FEMA, FDEM OFM has determined that communities must not codify a fixed factor.** As stated in the definition for market value (even those definitions not yet modified as shown above), communities may use a factor provided by the property appraiser.

Therefore, we conclude that local officials who are responsible for making substantial improvement and substantial damage determinations **may adjust** the published tax assessment value of buildings to approximate market value **ONLY when the adjustment factor**:

- Is provided, in writing, by the County Property Appraiser,

- Is a single factor, and
- Is provided for a single use for specified individual buildings or, if intended for use for multiple buildings, the County Property Appraiser specifies the time period during which the factor is valid (e.g., 3 months).

BACKGROUND. County property assessors are charged with deriving a "just valuation" of real property, taking into consideration various factors articulated in Florida Statute, Chapter 193. The FDEM Office of Floodplain Management concludes the following:

1. Codifying a fixed adjustment factor in the locally adopted definition of "market value" is not consistent with published FEMA guidance [See Note 1].
2. Codifying a fixed adjustment factor in the locally adopted definition of "market value" is not consistent with the market value definition approved by FEMA Headquarters and FEMA Region IV in 2013 [See Note 2].
3. Codifying a fixed adjustment factor in the locally adopted definition of "market value" does not account for statutory adjustments of certain properties, such as homestead properties.
4. County assessments are effective as of January 1 of each year. Especially late in a year, this means the reported assessment values do not capture increases or decreases since the beginning of the year.
5. The County Property Appraiser is the appropriate government official to determine adjustment factors, which should be determined within the bounds of the property appraiser's authority and professional experience.

IMPORTANT NOTE!

Communities that have a fixed factor stated in the definition of "market value" **MUST AMEND** that definition.

All communities that amend the local floodplain regulations or the FBC must submit draft ordinances to the OFM at least 30 days before presenting it to planning boards or elected officials.

Please put the community name in the subject line and send to floods@em.myflorida.com.

Or send a request for the OFM to work with you to prepare a draft.

Note 1. See FEMA P-758 (2010), Substantial Improvement/Substantial Damage Desk Reference, Sec. 4.5.2, "The **assessor's office should provide the adjustment factor**…limitation [on use of assessed value] …how often are the appraisals done and when was the date of the last appraisal? Market value estimates can be grossly outdated if the cycle is long and the property happens to be in the later stage of its cycle and has not been appraised for many years. … [variations] in assessment levels (an established statutory ratio between the assessor's estimate of value and the true fair market value)… The assessor's office should provide the adjustment factor… **copy of the adjustment factor justification should be retained** with the community's permanent records." (emphases added)

Note 2. See Florida Model Ordinance, definition "Market Value... or tax assessment value adjusted to approximate market value **by a factor provided by the property appraiser**." (emphasis added)

https://www.floridadisaster.org/dem/mitigation/floodplain/community-resources/ (Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms). Issued December 2022.

Florida Guidance for Amending the Definition of Market Value

State Floodplain Management Office
Florida Division of Emergency Management
Helpline: 850-815-4556 and floods@em.myflorida.com

Florida communities that have adopted or amended floodplain management regulations over the past decade adopt a definition for "market value." The term "market value is used in the definitions for Substantial Damage and Substantial Improvement. Those definitions, which flow from the National Flood Insurance Program (NFIP) regulations, are included in local regulations and the Florida Building Code. The definitions are shown on page 2.

Communities are required to determine whether the improvements proposed for buildings in flood hazard areas constitute substantial improvement or whether damage by any cause incurred by buildings in flood hazard areas meet the definition of substantial damage. Local floodplain management ordinances include a section titled "Substantial improvement and substantial damage determinations" (shown on page 2).

In both cases, when the costs of improvement, or costs of repairs necessary to restore a building to its pre-damage condition, equal or exceed 50% of the market value of the building, the FBC requires the building to be brought into compliance with the flood load and flood resistant requirements of the codes.

Since mid-2020, many Florida communities have amended the definition for market value that was included in the Florida Model Ordinance written to work with the Florida Building Code (more than 125 as of February 2022). The original definition offered three options for determining market value. The amendment removes the traditional "sales" type appraisal and clarifies the Actual Cash Value method. The option to use the property appraiser's tax assessment value is retained.

The SFMO encourages communities to amend the market value definition as shown below for a number of reasons, including there is less judgement and less opportunity for bias. This should make it easier for local officials to review appraisals. An important point to emphasize is that the "like-kind replacement cost" is what it would cost to build a building exactly like the one in question (not to current code). Independent appraisers may call this the "reproduction cost." Applying underline and strike-through to the model definition, the amendment is shown here:

Cumulative Substantial Improvement (CSI). Many Florida communities amend the definition of substantial improvement to specify a time period over which costs are accumulated (e.g., one, five, 10, or more years).

Repetitive Loss by Flooding. Some communities also amend the definition of substantial damage such that buildings that are damaged by flooding two times in a ten-year period for which the cost of repairs on average, equals or exceeds 25% of the market value of the building before the damage occurred.

Guidance for Amendments. See the SFMO guidance at the link on the next page for explanation of those higher standards and instructions for amending local regulations and the FBC to accomplish both.

Please Note! All communities that elect to amend the local local floodplain regulations or the FBC must submit draft ordinances to the SFMO at least 30 days before presenting it to planning boards or elected officials.

Please put the community name in the subject line and send it to floods@em.myflorida.com.

Or send a request for the SFMO to work with you to prepare a draft.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsions to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

https://www.floridadisaster.org/dem/mitigation/floodplain/community-resources/ (Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms). Issued February 2022.

The following are copied out of the Florida Model Ordinances. Your community's phrasing may differ.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: 1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions. 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
XXX. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall: (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number:**2024-1441**

1. **Requested Motion:** **Meeting Date: February 13, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Why the action is necessary:
The applicant wishes to construct an elevated pool closer to the side and rear property lines than allowed by the code.

What the action accomplishes:
Approval of the variance will allow a pool and screen enclosure to be constructed closer to the side and rear water body than the code allows.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

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5. **Background:**
Todd Plaisted, the applicant and owner for the property located at 21391 Widgeon Terrace, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3. The code requires that structures elevated greater than 4 feet above grade and accessory structures on natural waterbodies meet the principal structure setback found in table 34-3. In the RC zoning district, lots 100 feet wide or greater must provide a minimum 10-foot side setback and a 25-foot setback from an unseawalled waterbody. The variance will allow the applicant to construct an elevated pool and screen enclosure in the side yard 7.8 feet from the side property line and 14.3 feet from the mean high water line.

Attachments:
1. Res 23-190 21391 Widgeon Terrace
2. Staff report
3. Exhibit A Landscape-Planting
4. Exhibit B Application package
5. Exhibit C LPA postcard

Financial Impact:
Unknown

6. **Alternative Action**
RECOMMEND DENIAL

7. **Staff Recommendations:**
Recommend Approval

8. **Recommended Approval:**

_____ Date: February 08, 2024

Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024

Amy Baker, Town Clerk

RESOLUTION NUMBER 23-190

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230162, TWO VARIANCES FROM LDC TABLE 34-3 TO DECREASE THE REQUIRED SIDE YARD SETBACK BY 2.18 FEET FROM THE REQUIRED 10 FEET AND TO DECREASE THE REQUIRED WATERBODY SETBACK BY 14.39 FEET FROM THE REQUIRED 25 FEET, IN THE RC ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 21391 WIDGEON TERRACE; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Todd Plaisted, owner of the property situated at 21391 Widgeon Terrace, is requesting two variances from LDC Table 34-3 which requires accessory structures including swimming pools associated with a single-family home waterfront lot in the RC zoning district to provide a minimum 10-foot side setback for lots 100 feet wide or greater and a 25-foot setback from a the mean high water; and

WHEREAS, the STRAP number for the subject property is 34-46-24-W1-022M0.0010; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on February 13, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted to recommend approval with conditions of the variance; and

WHEREAS, on March 4, 2024, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES these two variances from LDC Table 34-3 requires accessory structures including swimming pools associated with a single-family home waterfront lot in the RC zoning district to provide a minimum 10-foot side setback for lots 100 feet wide or greater and 25 foot setback from a waterbody.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

B. The landscaping plan attached as Exhibit A shall be installed prior to final inspection is approved.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	___
Jim Atterholt, Vice Mayor	___
John R. King, Council Member	___
Vacant, Council Member	N/A
Karen Woodson, Council Member	___

ADOPTED this __ day of February 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of February 2024.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Variance**
CASE NUMBER:	**VAR20230162**
CASE NAME:	**21391 Widgeon Terrace; requesting a variance from LDC Table 34-3 to decrease the principal structure setbacks to construct an elevated pool..**
LPA HEARING DATE:	**February 13, 2024**
STAFF RECOMMENDATION:	**APPROVAL**
PREPARED/ SUBMITTED BY:	**Sarah Propst, AICP, PMP**

I. APPLICATION SUMMARY

Applicant/Owner:	Todd Plaisted
Request:	Variance from LDC Table 34-3 3 to decrease the principal structure setbacks to construct an elevated pool closer than 25 feet from a natural waterbody and closer to the side property line than 10 feet. The property is 108 feet wide by 58 feet deep lot along Widgeon terrace. The Applicant is requesting a variance of 2.18 feet for a side yard setback of 7.82 feet and a variance of 10.61 feet from the waterbody for a setback of 14.39 feet, to build an elevated swimming pool and screen enclosure in the west side yard of an existing single-family home.
Subject property:	See attached site plan
Physical Address:	21391 Widgeon Terrace

STRAP #: 34-46-24-W1-022M0.0010

FLU: Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL
RC, Residential conservation

South: MIXED RESIDENTIAL
RC, Residential conservation

East: WETLANDS
RC, Residential conservation

West: WETLANDS
EC, Environmental Conservation

II. BACKGROUND AND ANALYSIS

Background:
Todd Plaisted, the applicant and owner for the property located at 21391 Widgeon Terrace, is requesting two variances from the Town's Land Development Code (LDC) Table 34-3, which requires accessory structures including swimming pools associated with a single-family home in RC zoning district to provide a minimum 10-foot side setback for lots 100 feet wide or greater and 25-foot setback from a waterbody. The applicant is requesting a variance of 2.18 feet for a side yard setback of 7.82 feet and a variance of 10.61 feet from the waterbody for a setback of 14.39 feet, to build an elevated, attached swimming pool and screen enclosure in the west side yard of an existing single-family home.

Analysis:
The property is 108 feet wide by 58 feet deep lot, zoned Residential Conservation (RC). The purpose of the RC zoning district is to provide stable neighborhoods where single-family/two-family homes are the predominant land use.

The subject property currently supports a single-family residence and is a waterbody lot situated along Widgeon Terrace. The proposed use, requiring a variance, is an elevated pool. According to Section 34-1176(b)(1)d. of the LDC, pools with more than four feet of stem wall visible above grade must meet the primary structure setbacks. Code Section 34-1174(d)(1)d. requires that accessory structures on natural waterbodies meets the primary structure setback also. Therefore, the request is for a

variance from Table 34-3 which provides the required setbacks for primary structures.

As per LDC table 34-3, a minimum 10 foot side setback is required for lots 100 feet wide or greater and a 25 foot setback is required from the waterbody. The existing single-family home does not meet the waterbody setback requirement of the Town's LDC. The Applicant is requesting two variances for the construction of a pool in the west side yard. The requests include 2.18 feet for a side yard setback of 7.82 feet and a variance of 10.61 feet from the waterbody for a setback of 14.39 feet.

Neighborhood Compatibility:
The subject property is part of the Widgeon Terrace residential neighborhood. The existing house is similar in style and nature to the neighboring residences. Most of the properties in this neighborhood include a pool in the rear yard with waterbody setbacks less than required by the Town's LDC. The existing residence also does not comply with the LDC's required waterbody setback of 25 feet from the mean high-water line. Due to the closeness of the house to the mean high water, the proposed pool will only fit in the west side yard, the size of the pool proposed, will only fit in this location with approval of these variances.

The property owner to the north has voiced concerns regarding the closeness of the elevated structure to the existing home. The applicant has provided an additional landscaping plan to assist in screening the proposed elevated pool and screen enclosure. The addition of proposed landscaping is included in the required conditions of approval.

Findings and Conclusions:
LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

   There are exceptional conditions inherent to the property. The subject property is a 108 feet wide and 58 feet deep lot. The Widgeon Terrace neighborhood also includes a portion of the right of way within the property lines making the depth of the lot fairly restrictive. The applicant originally began the design of the pool when the side yard setback was 7.5 feet, however this setback requirement changed prior to the applicant submitting their application.

b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The lots in this neighborhood are particularly narrow and because they back up to a natural waterbody, the rear setback for any structure is 25 feet. The setback requirements have changed.

c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

The narrow lot, backing on to a natural waterbody requires a variance to construct a reasonable size pool. The variance request is minimal.

d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires an accessory structure like a swimming pool attached to a single-family home in RC zoning district to provide a minimum 10 feet side setback for lots 100 feet wide or greater and 25 feet setback from a waterbody* and found that the variance request meets the requirements set-forth in sec. 34-87.

At the December 19th LPA hearing the LPA recommended approval of the request with of vote of 7-0. Following that hearing the applicant reached out to staff to let them know that a screen enclosure is anticipated and a condition applying to a screen enclosure was removed.

Staff recommends **APPROVAL** of VAR20230162, a request for a variance of 2.18 feet for a side yard setback of 7.82 feet and a variance of 10.61 feet from a waterbody for a setback of 14.39 feet, to build an elevated, attached swimming pool with a screen enclosure, in the west side yard of an existing single-family home.

IV. CONDITIONS FOR APPROVAL

If the variance is approved, the condition below is recommended by staff.

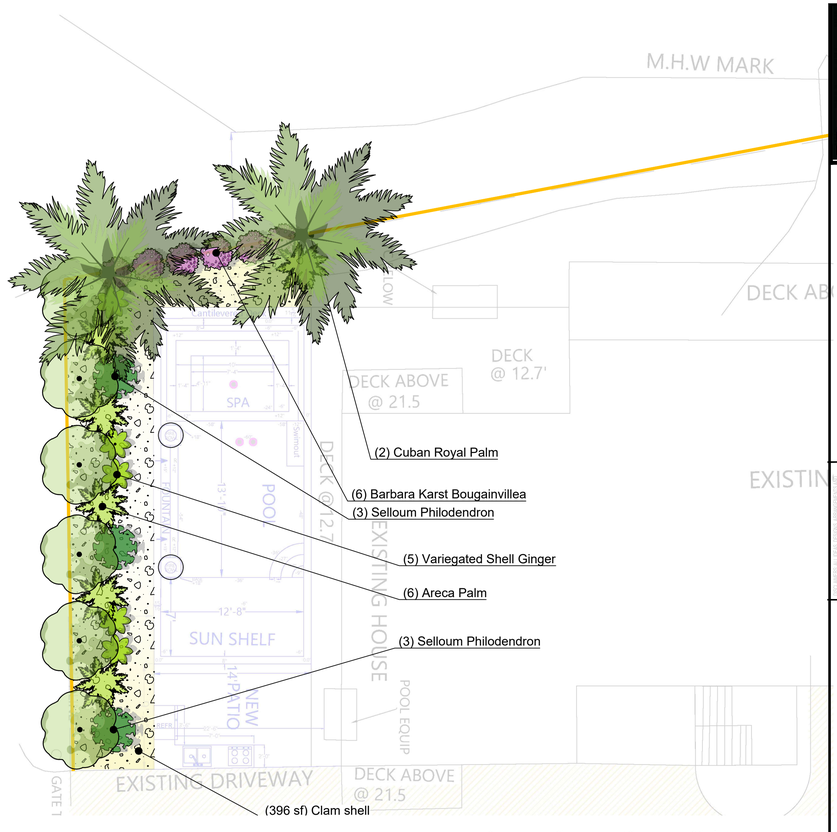
1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply

with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

2) The landscaping plan attached as Exhibit A shall be installed prior to final inspection is approved.

V. EXHIBITS

Exhibit A: Landscape Plan
Exhibit B: Complete Application Packet
Exhibit C: Postcards to Adjacent Property Owners



0 8' 16' 24' feet

SCALE: 1/8"=1'-0"

PLANT SCHEDULE 1/10/24

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
TREES						
	6	Conocarpus erectus	Buttonwood Standards	8` - 10` Ht.	Cont.	Matching
PALM TREES						
	6	Chrysalidocarpus lutescens	Areca Palm	72"	25 gal.	
	2	Roystonea regia	Cuban Royal Palm	10` GW		Matching, Specimen, Heavy caliper
SHRUBS						
	5	Alpinia zerumbet `Variegata`	Variegated Shell Ginger	30" Ht.	7 gal.	
	6	Bougainvillea x `Barbara Karst`	Barbara Karst Bougainvillea	30" Ht., 23"-30" Spr.	7 gal.	
	3	Philodendron selloum	Selloum Philodendron	3` Ht.	7 gal.	

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
MULCH							
	396 sf	Clam Shell Mulch	Clam shell	Small Clamshell			4" - 6" Depth w Filter Fabric

MULCH - SHREDDED HARDWOOD, DK. BROWN MULCH QTY. BY CONTRACTOR

IRRIGATION SALVAGE EXISTING SYSTEM, REPAIR OR REPLACE BROKEN

NOVA LANDSCAPE DESIGNS
NOVA L.A. DESIGNS, INC.
DANIEL A. NOVAKOVICH, LANDSCAPE ARCHITECT FL#1457
NAPLES AND LAKE PLACID, FLORIDA
OFFICE: 239-250-9505

TODD PLAISTED
21391 WIDGEON TERRACE
Fort Myers Beach, FLORIDA

Project No.

Date	Issue

1/10/24

Drawn By DAN Checked By

Sheet Title
Landscape Planting

Sheet No.
L-1

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 21391 Widgeon Terrace, Fort Myers Beach, FL 33931

STRAP Number: 34-46-24-W1-022MO.0010

Applicant: Todd Plaisted Phone: N/A

Contact Name: Attorney Robert Burandt Phone: (239) 542-4733

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 6-Units Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED	SUPPLEMENTAL FORM REQUIRED
☐ Special Exception	PH-A
☐ Variance	PH-B
☐ Conventional Rezoning	PH-C
☐ Planned Development ☐ Commercial ☐ Residential	PH-D
☐ Master Concept Plan Extension	PH-E
☐ Appeal of Administrative Action	PH-F
☐ Vacation of Platted Right-of-way and Easement	PH-G
☐ Other – cite LDC Section: _____	attach on separate sheet

PART I – General Information

A. Applicant*: Todd Plaisted Phone: _____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: c/o Robert Burandt, Esquire, 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

Contact Name: Robert Burandt Phone: (239) 542-4733

B. Relationship of Applicant to subject property:

- [x] Owner*
- [ ] Land Trust*
- [ ] Partnership*
- [ ] Corporation*
- [ ] Association*
- [ ] Condominium*
- [ ] Subdivision*
- [ ] Timeshare Condo*
- [ ] Contract Purchaser*
- [ ] Authorized Representative*
- [ ] Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Steeven Knight Phone: (239) 641-2628

Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: islandspsfl@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Attorney Robert Burandt Phone: (239) 542-4733

Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: (239) 542-9203

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- [ ] Special Exception
- [x] Variance from LDC Section 34-1174 - Side setback, etc.
- [ ] Conventional Rezoning from _____ to _____
- [ ] Planned Development
- [ ] Rezoning from _____ to [ ] Commercial PD [ ] Residential PD
- [ ] Amendment. List the project number: _____
- [ ] Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☑ Other. Please Explain: Variance

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: N/A Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☑ Single Owner (individual or husband and wife)

Name: Todd Plaisted Phone: _____

Mailing Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Todd Plaisted swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Todd Plaisted
Printed Name

STATE OF FL **COUNTY OF** LEE

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence OR ____ online notarization, this 15th day of May, 2023, by ____, ☑ who is personally known to me OR ☐ who has produced MN D/L as identification.

Notary Public State of Florida
Jasena Pearsey
My Commission HH 014426
Expires 06/24/2024

Notary Public Signature

(SEAL)

PART V
Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
Todd Plaisted	100%

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____

Signature Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

N/A

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Title

Typed or Printed Name

Date

STATE OF _____ **COUNTY OF** _____

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI– Property Information

A. Legal Description:

STRAP: 34-46-24-W1-022MO.0010

Property Address: 21391 Widgeon Ter., Ft. Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: 1357 Page: 1089 Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 102.12 ft +/- feet

Depth (please provide an average width if irregular in shape) 99.81 ft +/- feet

Frontage on street: 102.12 ft +/- feet. Frontage on waterbody: 100.76 ft +/- feet

Total land area: 9570.55 sq ft (0.22 acres) ☑ acres ☑ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Big Carlos Pass Bridge
County Rd 865, Fort Myers Beach, FL 33931 Head west on Estero Blvd 2. Turn right onto Mound Rd 3. Turn left onto Noddy Tern Dr

4. Continue onto Widgeon Terrace Partial restricted usage road Destination will be on the right 2.4 mi

. Head west on Estero Blvd 2. Turn right onto Mound Rd 3. Turn left onto Noddy Tern Dr 4. Continue onto Widgeon Terrace

Partial restricted usage road Destination will be on the right 2.4 mi

☑ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☐ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☑ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☑ Attach a map showing the surrounding property owners as Exhibit 6-7.

☑ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density	☐ Marina
☐ Mixed Residential	☐ Recreation
☐ Boulevard	☐ Wetlands
☐ Pedestrian Commercial	☐ Platted Overlay

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Plaisted Pool
Authorized Applicant: Todd Plaisted
LeePA STRAP Number: 34-46-24-W1-022MO.0010

Current Property Status: Single Family Residence			
Current Zoning: Residential (RC)			
Future Land Use Map (FLUM) Category: Mixed Residential			
Comp Plan Density:	**Platted Overlay?**	☐ **Yes**	☐ **No**

Variance is requested from:

LDC Section Number	**Title of Section or Subsection**
34-1174 34-638	Rear and side setbacks

Complete the narrative statements below for EACH variance requested.

Case # _____ Date Received: _____

PART I
Narrative Statements

Request for variance from 34-1174 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
The applicant requests a variance to construct his pool within 16 1/2 feet from the rear property line. The current code is 34-638 which is 25 feet. The neighbor residing at 21401 Widgeon Terrace, Fort Myers Beach, FL pool is constructed within 25 feet. See the picture marked as Exhibit "1" (Neighbor's Pool)
The applicant also requests a variance from the current 25 foot setback pursuant to Table 34-3 to be within 7 1/2 feet of the side property line. Please note that this setback was modified from 7 1/2 feet to 25 feet in February of 2022.
Attached is the Lee County Property Appraiser's Print Out for the applicant's house marked as Exhibit "2". Exhibit "3" is a survey showing where the pool is to be located .
A photograph of the residence and property line is marked as Exhibit "4". Photographs of the planned area for the pool is marked as Exhibit "5" and "6". A picture of the applicants house from the back bay is Exhibit "7", and a survey of the applicant's property is Exhibit "8".

Reasons for request

Explain why the variance is needed:
The property has only one possible location for a pool as demonstrated on the survey is marked as Exhibit "3".

Case # _____ Date Received: _____

Explain the possible effect the variance, if granted, would have on surrounding properties:
The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The adjacent property on the pool side will be 7 1/2, the former setback amount. The nearest structure pool side is the elevated house with a substantial hedge on the property line, with the garbage being next to the purported pool. See Exhibit "5", Picture 1 and 2. Picture #5 shows the applicant's house and the potentially affected neighbor.

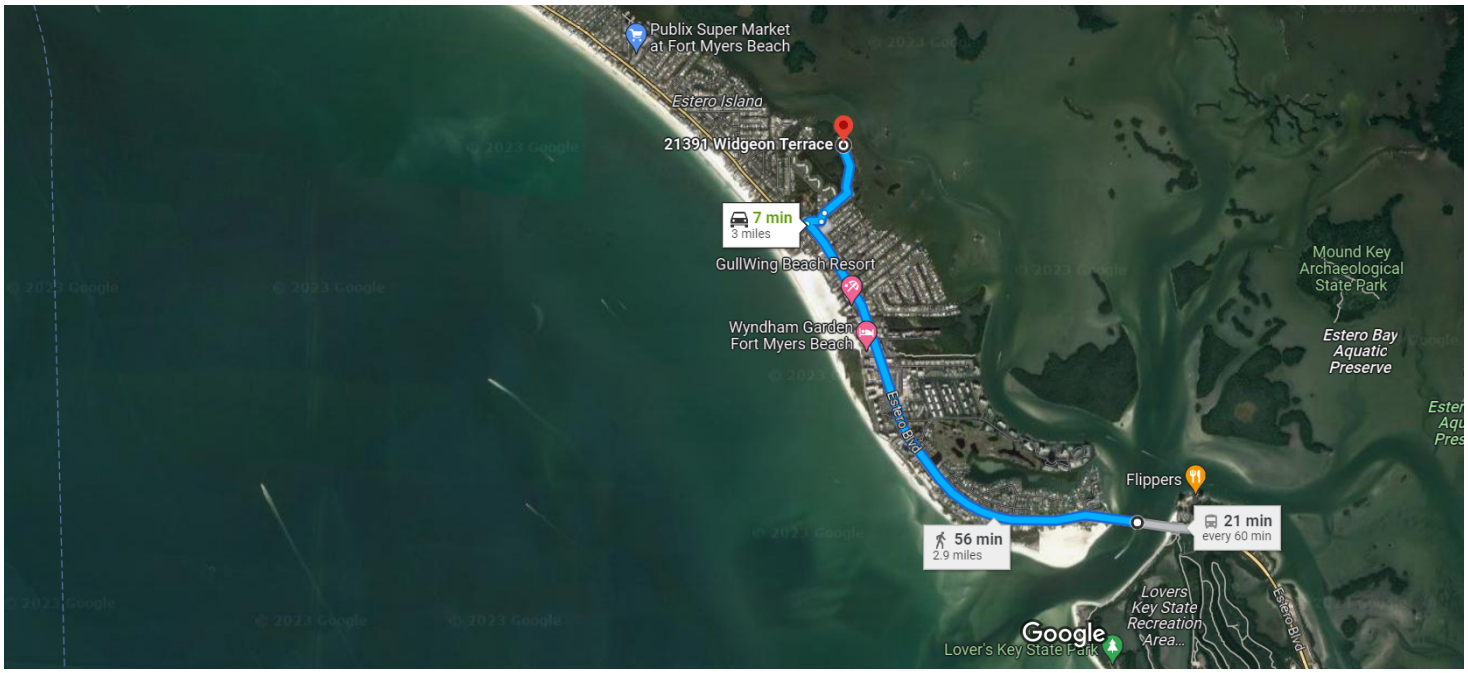
Explain the hardship (what is unique about the property) that justifies relief from the regulation:
Without these two (2) variances, the applicant will not be able to fully enjoy his home. There is just not any place else for their pool.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
The applicant's request is de minimis in nature and will only allow for the development of a private pool that will be accessory to the single-family dwelling unit, or the principal structure.
The variance request is not the result of action taken by the current property owner, who acquired the property in 2021.
The requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to Estero Bay and his daughter to the south.
The space between the principal structure and the bay is the only available location for the construction of a pool on this Property.

Exhibit 6-3 Pg 8 - D

Big Carlos Pass Bridge to 21391 Widgeon Terrace, Fort Myers Beach, FL 33931

Drive 3.0 miles, 7 min



Imagery ©2023 Airbus, Landsat / Copernicus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 Google 2000 ft

via Estero Blvd — 7 min

Fastest route now due to traffic conditions — 3.0 miles

This route has restricted usage or private roads.

via Estero Blvd — 56 min

2.9 miles

11:57 AM—12:18 PM — 21 min

410

Explore nearby 21391 Widgeon Terrace

Restaurants Hotels Gas stations Parking Lots More

PAGE 1 OF 1

N
W E
S
SCALE:1"=30'

TYPE OF SURVEY:

- ☐ BOUNDARY
- ☐ ALTA/NSPS
- ■ CONSTRUCTION
- ■ TOPOGRAPHIC
- ☐ CONDOMINIUM
- ☐ SPECIAL PURPOSE

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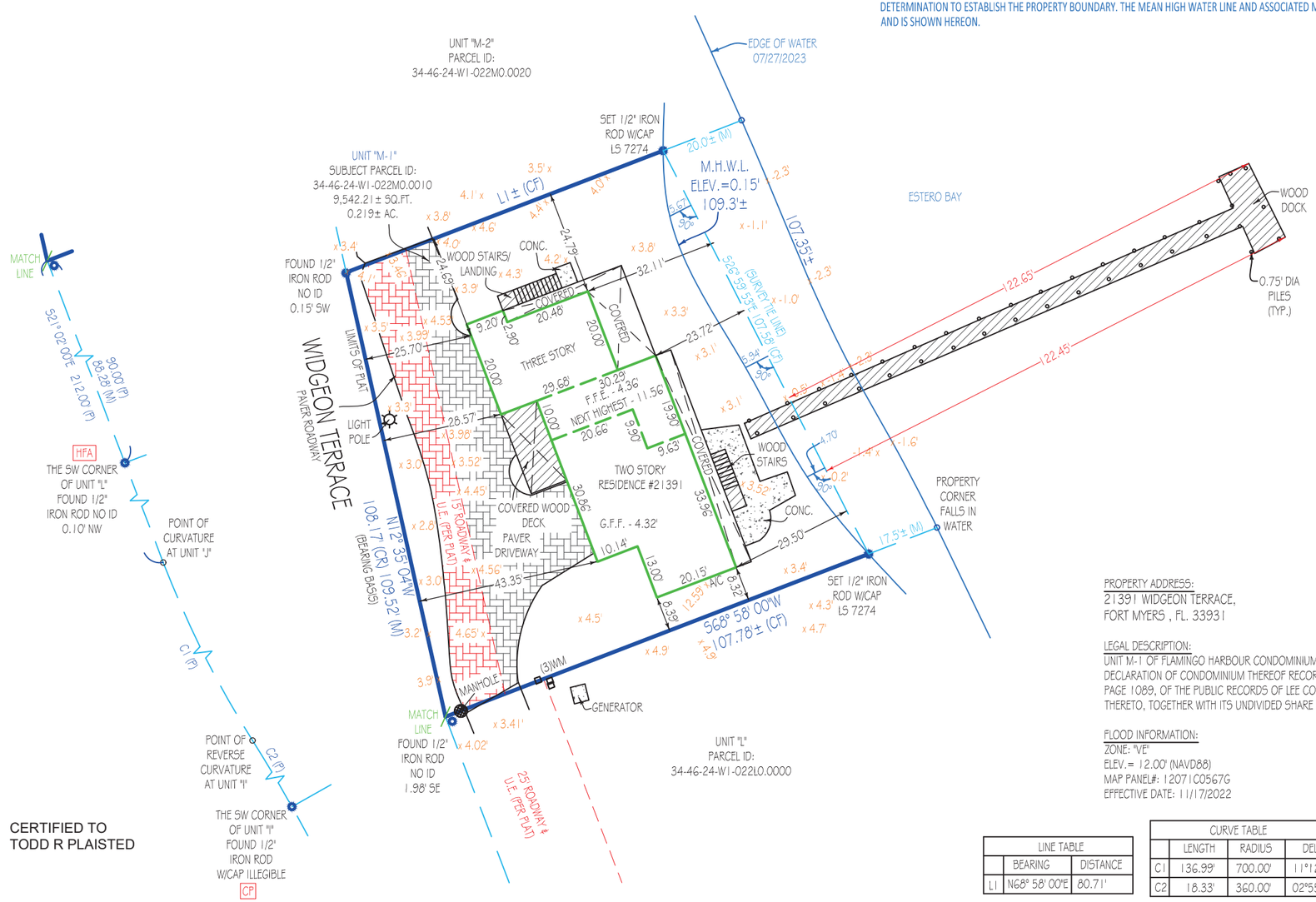
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CERTIFIED TO
TODD R PLAISTED



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PROPERTY ADDRESS:
21391 WIDGEON TERRACE,
FORT MYERS , FL. 33931

LEGAL DESCRIPTION:
UNIT M-1 OF FLAMINGO HARBOUR CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 1357, PAGE 1089, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

FLOOD INFORMATION:
ZONE: "VE"
ELEV.= 12.00' (NAVD88)
MAP PANEL#: 12071C0567G
EFFECTIVE DATE: 11/17/2022

LINE TABLE		
	BEARING	DISTANCE
L1	N68° 58' 00"E	80.71'

CURVE TABLE				CHORD LENGTH	CHORD BEARING
	LENGTH	RADIUS	DELTA		
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Aerial Photograph
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CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

SIGNATURE _____ DATE: 8-24-2023

PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

BEARING REFERENCE:
CENTER LINE OF 93rd AVENUE AS N 88°46'09" W
AS REFERENCED IN SUBJECT PROPERTY LEGAL DESCRIPTION.
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

Job Number : 179798-SW	Field: K.A.
Drawn By : E.I.	Date of Field Work : 07/28/2023

PURPOSE OF SURVEY: PROPERTY IMPROVEMENTS-OTHER

REVISIONS	
UPDATE - E.I. - 08/23/2023	

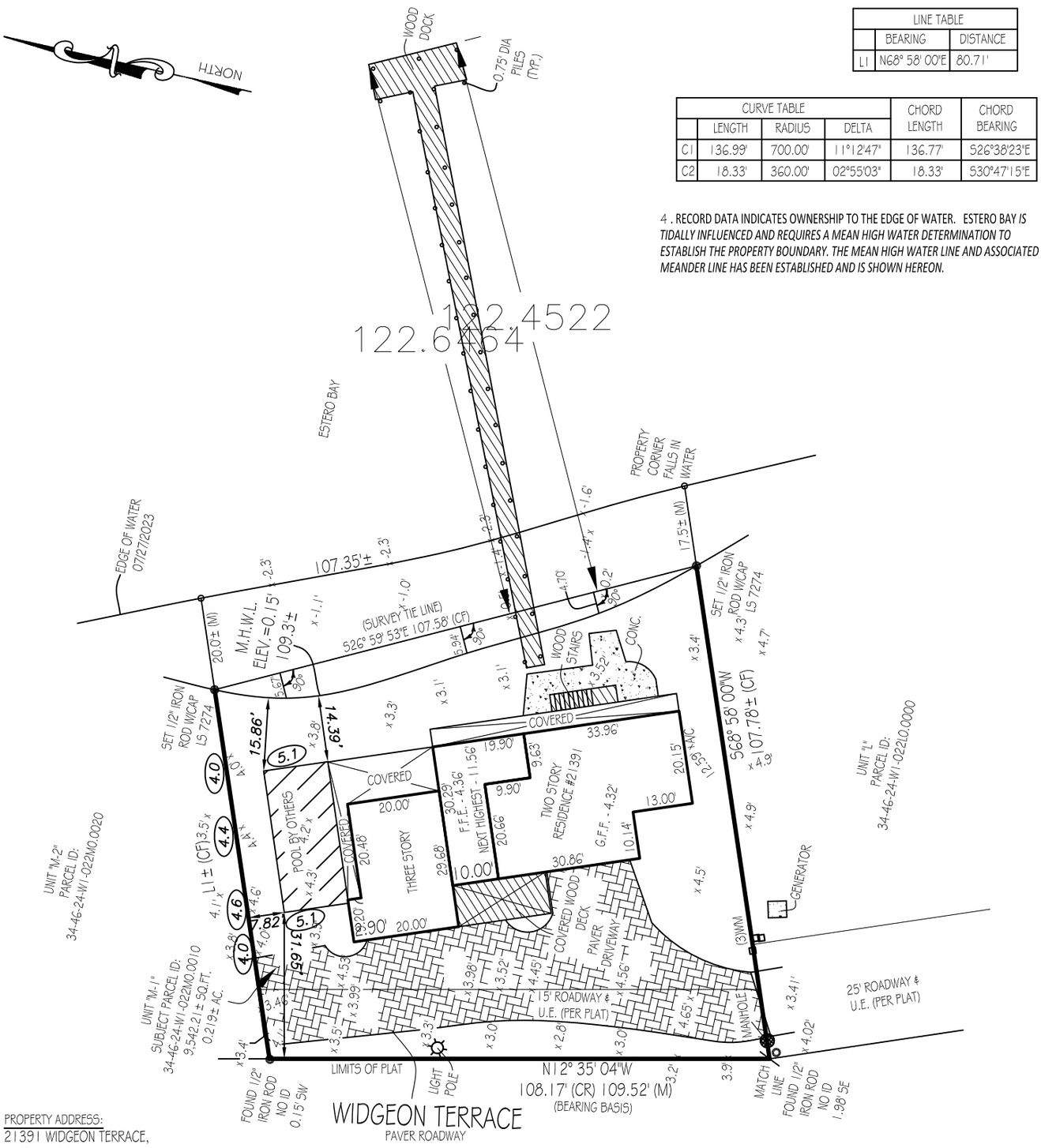
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OVERHEAD CABLE
BUILDING
CHAIN LINK FENCE
PLASTIC FENCE

Elevations, if shown:
Benchmark: DN3725
Benchmark Elev.: 3.27'
Benchmark Datum: NAVD 88
Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ■

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.
- 15' ROADWAY AND UTILITY EASEMENT ALONG WESTERLY BOUNDARY LINE OF SUBJECT LOT.
- PAVER DRIVEWAY EXTENDS THROUGH THE WESTERLY EASEMENT.
- PAVER DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERLY AND SOUTHERLY SIDES OF LOT AS SHOWN.
- WOOD DOCK CROSSES THE BOUNDARY LINE ON EASTERLY SIDE OF LOT AS SHOWN.

This survey has been issued by the following Landtec Surveying office:
700 W. Hillsboro Blvd. Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587 Fax: (561) 465-3145
www.LandtecSurvey.com
LANDTEC SURVEYING and Lien
LICENSED BUSINESS No. 8507



LINE TABLE		
	BEARING	DISTANCE
L1	N68° 58' 00"E	80.71'

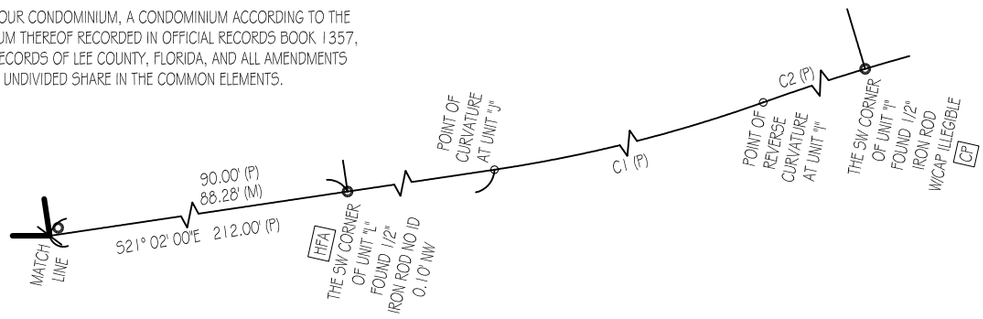
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FLOOD INFORMATION:
ZONE: "VE"
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MAP PANEL#: 12071C0567G
EFFECTIVE DATE: 11/17/2022



THE SURVEY WAS PERFORMED BY: LANDTEC SURVEYING

50.2 DENOTES EXISTING ELEVATION
(50.2) DENOTES PROPOSED ELEVATION

DENOTES DRAINAGE FLOW
OHL DENOTES OVERHEAD LINES
PP DENOTES POWER POLE
W W W DENOTES WATER LINES

THIS SKETCH IS CERTIFIED ONLY AS TO FIELD CONDITIONS ON: 11/7/23

WTE JOB # _____

SCALE: 1"=30'

WA TECH, LLC.
WATER, AIR, LAND
524 W Virginia Ave Punta Gorda FL 33950
PH:(941) 628-0635 EMAIL:bgaraimondo@comcast.net

CHRISTOPHER BEERS,PE
FLORIDA REG. NO. 64594
DATE

PROFESSIONAL ENGINEER CHRISTOPHER BEERS No 64594 STATE OF FLORIDA SURVEYOR No 6999

Nov 07, 2023 - 4:26pm E:\Wal Tech\WAL TECH\Jobs\Jobs 2023\David Ward\21391 Widgeon ter - PLAISTED\21391 WIDGEON TER SITE.dwg

Big Gator Pools and Spas

1749 NE 10th Ter, Unit 6, Cape Coral, FL 33909

RE: Variance request for : 234477 / 21391 Widgeon ter. / New elevated pool

PERMIT # 234477

In response to the last Zoning review letter we received – I have attached a NEW Survey showing the mean high water line and a new Site plan showing the proposed pool location with setbacks for review.

Please see the attached Rejection Letter and the corrected Variance Request with New Survey and New Site Plan as requested.

The corrected pages are Pg 17 Survey and Pg 18 Site Plan

Thank you.

David A Ward

Priority Permitting Services

941-628-8850

dward@git-fl.com

Date: 08/31/2023
Contractor: Big Gator Pools and Spas
RE: 234477 / 21391 Widgeon ter. / New elevated pool
Cc: Property Owner

The drawings submitted for the referenced project have been reviewed following the 7th Edition (2020) Florida Building Codes, Florida Statutes (F.S), and the Town of Fort Myers Beach Land Development Code. For the reasons listed below, we cannot approve your application at this time.

Please provide the Rejection Letter and a Cover Letter showing where each corrected item can be found.

3rd Zoning Review Review
Kendra Rosa / Kendra@fmbgov.com

Once variance has been approved through Town Council, resubmit the resolution as a resubmittal. The zoning review for the pool cannot be completed at this time.

PLEASE NOTE:

- **Mailed in or paper plans will not be accepted.**
- Submit all corrections together at one time with an appropriate response/ cover letter showing where each corrected item can be found to **resubmittal@fmbgov.com**.
- Please note that no other reviews will be done until the **Zoning Review** is approved.
- Resubmittals will not be processed unless all review comments are addressed.

Please refer to the **Permit Portal** to access a copy of this rejection letter.

Sincerely,

Town of Fort Myers Beach Building Services and Community Development Departments.

PAGE 1 OF 1

N
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SCALE:1"=30'

TYPE OF SURVEY:

- ☐ BOUNDARY
- ☐ ALTA/NSPS
- ■ CONSTRUCTION
- ■ TOPOGRAPHIC
- ☐ CONDOMINIUM
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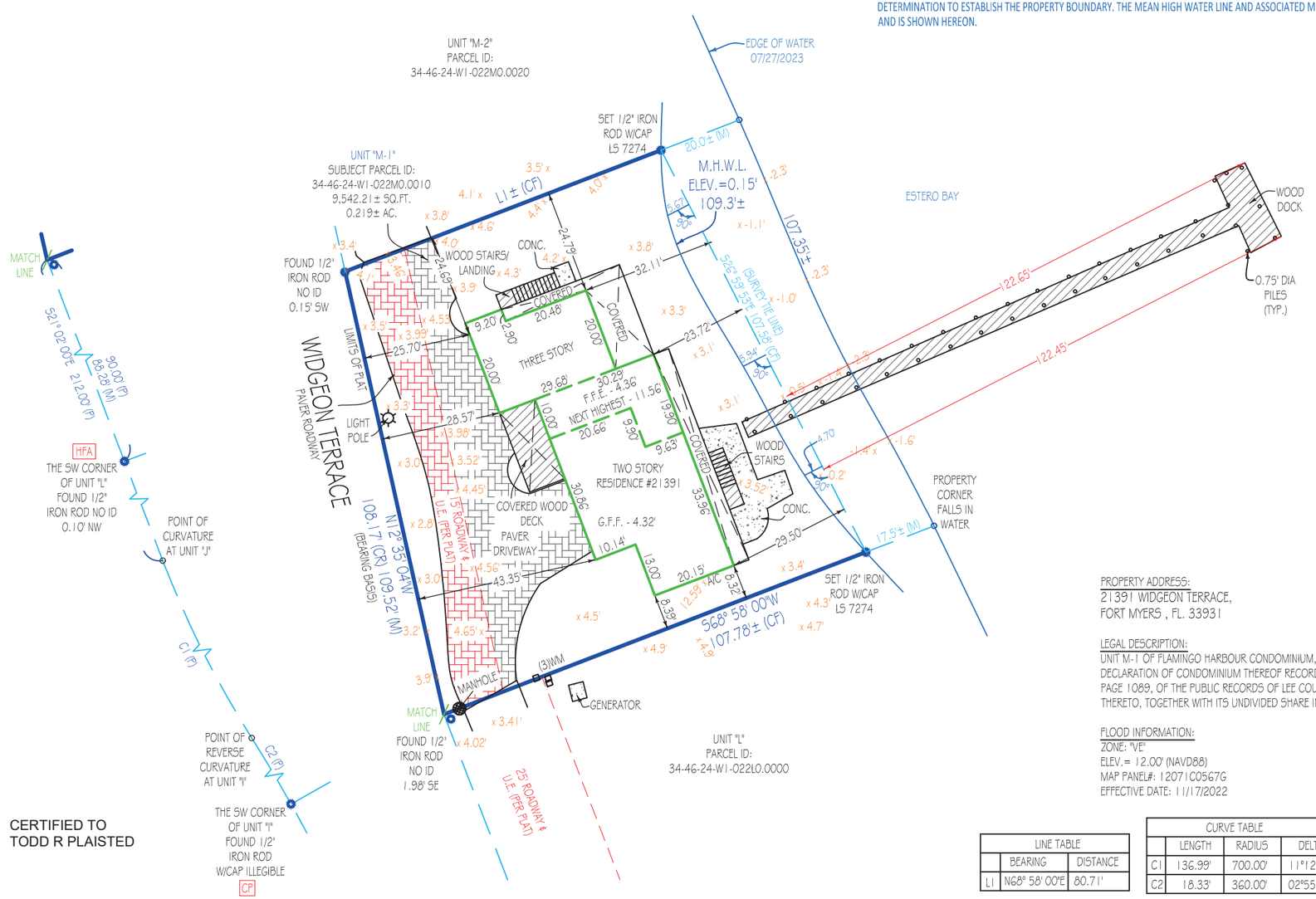
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CERTIFIED TO
TODD R PLAISTED



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ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

Job Number : 179798-SW	Field: K.A.
Drawn By : E.I.	Date of Field Work : 07/28/2023

PURPOSE OF SURVEY: PROPERTY IMPROVEMENTS-OTHER

REVISIONS	
UPDATE - E.I. - 08/23/2023	

LINETYPES:

- BOUNDARY
- EASEMENT
- WOOD FENCE
- OVERHEAD CABLE
- BUILDING
- CHAIN LINK FENCE
- PLASTIC FENCE

Elevations, if shown:

Benchmark:	DN3725
Benchmark Elev.:	3.27'
Benchmark Datum:	NAVD 88

Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ■

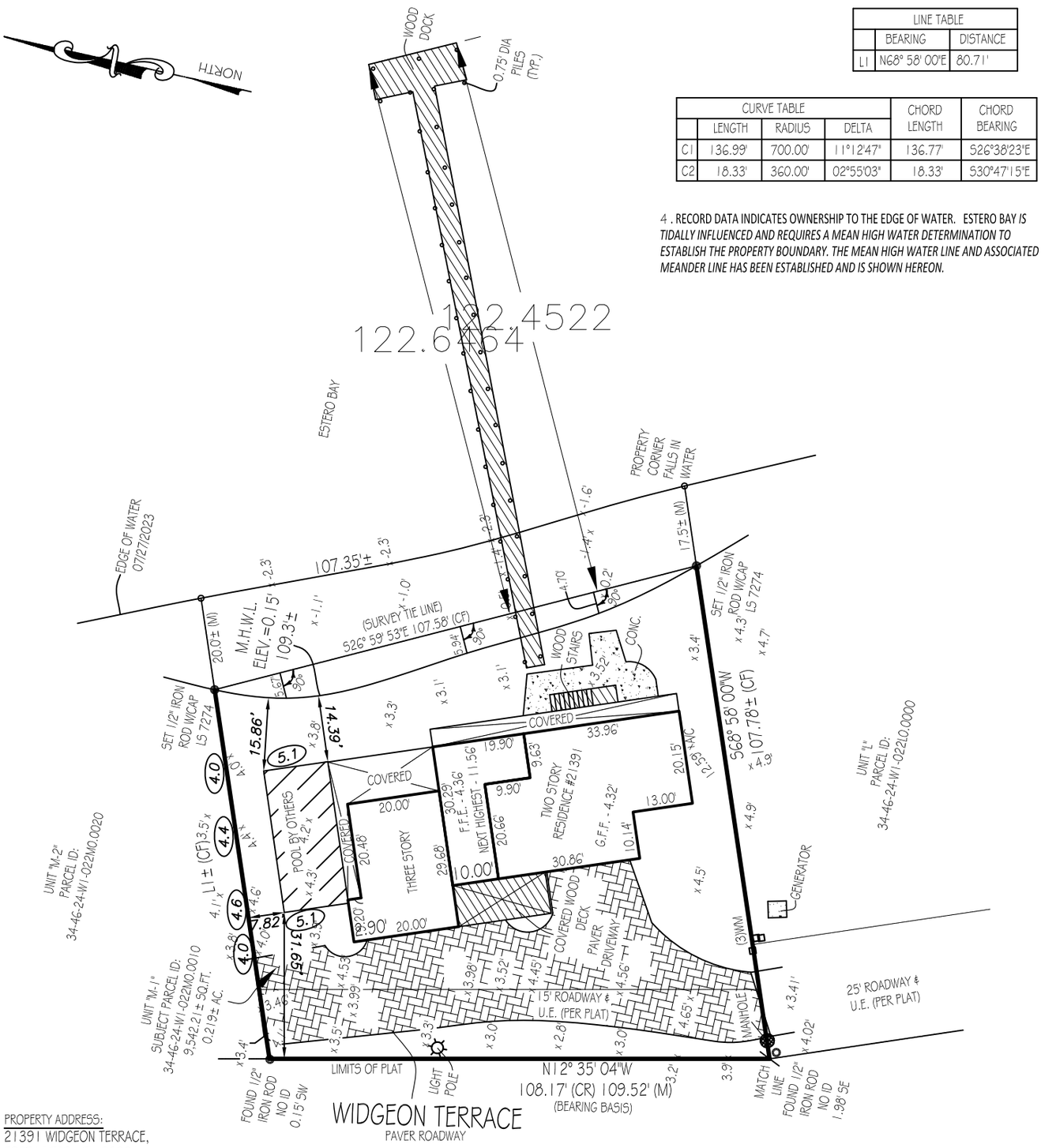
"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

- 15' ROADWAY AND UTILITY EASEMENT ALONG WESTERLY BOUNDARY LINE OF SUBJECT LOT.
- PAVER DRIVEWAY EXTENDS THROUGH THE WESTERLY EASEMENT.
- PAVER DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERLY AND SOUTHERLY SIDES OF LOT AS SHOWN.
- WOOD DOCK CROSSES THE BOUNDARY LINE ON EASTERLY SIDE OF LOT AS SHOWN.

This survey has been issued by the following Landtec Surveying office:
700 W. Hillsboro Blvd. Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587 Fax: (561) 465-3145
www.LandtecSurvey.com

LANDTEC SURVEYING and Lien
LICENSED BUSINESS No. 8507



LINE TABLE		
	BEARING	DISTANCE
L1	N68° 58' 00"E	80.71'

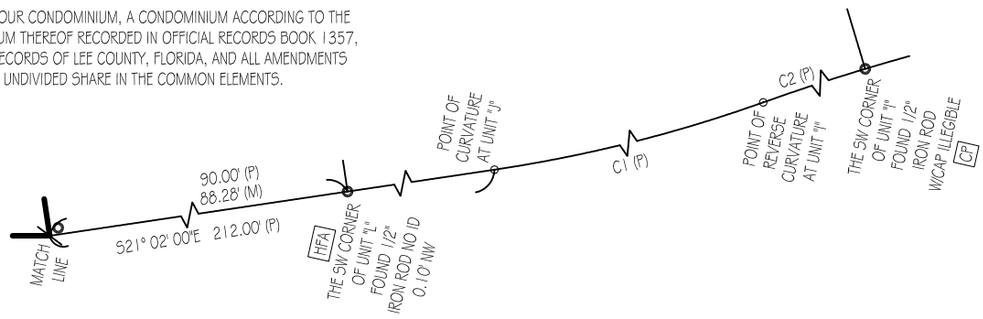
CURVE TABLE				CHORD LENGTH	CHORD BEARING
	LENGTH	RADIUS	DELTA		
C1	136.99'	700.00'	11°12'47"	136.77'	S26°38'23"E
C2	18.33'	360.00'	02°55'03"	18.33'	S30°47'15"E

4 . RECORD DATA INDICATES OWNERSHIP TO THE EDGE OF WATER. ESTERO BAY *IS TIDALLY INFLUENCED AND REQUIRES A MEAN HIGH WATER DETERMINATION TO ESTABLISH THE PROPERTY BOUNDARY. THE MEAN HIGH WATER LINE AND ASSOCIATED MEANDER LINE HAS BEEN ESTABLISHED AND IS SHOWN HEREON.*

PROPERTY ADDRESS:
21391 WIDGEON TERRACE,
FORT MYERS , FL. 33931

LEGAL DESCRIPTION:
UNIT M-1 OF FLAMINGO HARBOUR CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 1357, PAGE 1089, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

FLOOD INFORMATION:
ZONE: "VE"
ELEV.= 12.00' (NAVD88)
MAP PANEL#: 12071C0567G
EFFECTIVE DATE: 11/17/2022



THE SURVEY WAS PERFORMED BY: LANDTEC SURVEYING

50.2 DENOTES EXISTING ELEVATION
(50.2) DENOTES PROPOSED ELEVATION

DENOTES DRAINAGE FLOW
OHL DENOTES OVERHEAD LINES
PP DENOTES POWER POLE
W W W DENOTES WATER LINES

THIS SKETCH IS CERTIFIED ONLY AS TO FIELD CONDITIONS ON: 11/7/23

WTE JOB # _____

SCALE: 1"=30'

WA TECH, LLC.
WATER, AIR, LAND
524 W Virginia Ave Punta Gorda FL 33950
PH:(941) 628-0635 EMAIL:bgaraimondo@comcast.net

CHRISTOPHER BEERS,PE
FLORIDA REG. NO. 64594
DATE

PROFESSIONAL ENGINEER CHRISTOPHER BEERS No 64594 STATE OF FLORIDA SURVEYOR No 6999

Nov 07, 2023 - 4:26pm E:\Wal Tech\WAL TECH\Jobs\Jobs 2023\David Ward\21391 Widgeon ter - PLAISTED\21391 WIDGEON TER SITE.dwg

Attorney Robert Burandt
1714 Cape Coral Pkwy. E
Cape Coral, FL 33904

September 18, 2023

RE: 21391 Widgeon Terr, Fort Myers Beach
Strap # 34-46-24-W1022M.00010
VAR Application 20230162 – Variance request from 34-638 Rear and side

Dear Todd Plaisted,

The Community Development Department has reviewed the submission package for the above-referenced Variance application. At this time, the application is found insufficient and requires additional information.

1. **Site plan.-**
    a. Please include a site plan showing the proposed location of the pool.
    b. Include the rear setback from the pool shell to the mean high-water line.
    c. Include the side setback from the pool shell to side property line.

    Per Sec. 34-638(d)(3)b.1. If the body of water is subject to tidal changes, the setback will be measured from the mean high-water line.

2. **67% Impervious Coverage concerns.**

    The site appears to be fairly built out and lot area for cover and impervious surface is generally considered the square footage of the property minus wetlands, canals and other waterbodies or lands designated recreation.

Please respond to each sufficiency review comment. If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. If additional time is needed, the applicant may ask for additional time. Please feel free to contact me if you have any questions.

Sincerely,
Kendra Rosa
Zoning Coordinator
Town of Fort Myers Beach
Community Development Department

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 21391 Widgeon Terrace, Fort Myers Beach, FL 33931

STRAP Number: 34-46-24-W1-022MO.0010

Applicant: Todd Plaisted Phone: N/A

Contact Name: Attorney Robert Burandt Phone: (239) 542-4733

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

Current Zoning District: RC

Future Land Use Map (FLUM) Category: Mixed Residential

FLUM Density Range: 6-Units Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED	SUPPLEMENTAL FORM REQUIRED
☐ Special Exception	PH-A
☐ Variance	PH-B
☐ Conventional Rezoning	PH-C
☐ Planned Development ☐ Commercial ☐ Residential	PH-D
☐ Master Concept Plan Extension	PH-E
☐ Appeal of Administrative Action	PH-F
☐ Vacation of Platted Right-of-way and Easement	PH-G
☐ Other – cite LDC Section: _____	attach on separate sheet

PART I – General Information

A. Applicant*: Todd Plaisted Phone: _____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: c/o Robert Burandt, Esquire, 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

Contact Name: Robert Burandt Phone: (239) 542-4733

B. Relationship of Applicant to subject property:

- [x] Owner*
- [ ] Land Trust*
- [ ] Partnership*
- [ ] Corporation*
- [ ] Association*
- [ ] Condominium*
- [ ] Subdivision*
- [ ] Timeshare Condo*
- [ ] Contract Purchaser*
- [ ] Authorized Representative*
- [ ] Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Steeven Knight Phone: (239) 641-2628

Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: islandspsfl@gmail.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Attorney Robert Burandt Phone: (239) 542-4733

Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: robert@capecoralattorney.com Fax: (239) 542-9203

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- [ ] Special Exception
- [x] Variance from LDC Section 34-1174 - Side setback, etc.
- [ ] Conventional Rezoning from _____ to _____
- [ ] Planned Development
- [ ] Rezoning from _____ to [ ] Commercial PD [ ] Residential PD
- [ ] Amendment. List the project number: _____
- [ ] Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☑ Other. Please Explain: Variance

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: N/A Description: _____

Code Section: _____ Description: _____

Code Section: _____ Description: _____

PART IV – Property Ownership (Single Owner)

☑ Single Owner (individual or husband and wife)

Name: Todd Plaisted Phone: _____

Mailing Address: 1714 Cape Coral Pkwy. E., Cape Coral, FL 33904

Email: Robert@capecoralattorney.com Fax: (239) 542-9203

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Todd Plaisted swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Todd Plaisted
Printed Name

STATE OF Fl. **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence OR ____ online notarization, this 15th day of May, 2023, by ____, ☑ who is personally known to me OR ☐ who has produced MN D/L as identification.

Notary Public State of Florida
Jasena Pearsey
My Commission HH 014426
Expires 06/24/2024

Notary Public Signature

(SEAL)

PART V
Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership
Todd Plaisted	100%

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____

Signature Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

N/A

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI– Property Information

A. Legal Description:

STRAP: 34-46-24-W1-022MO.0010

Property Address: 21391 Widgeon Ter., Ft. Myers Beach, FL 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County? ☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: 1357 Page: 1089 Unit: _____ Block: _____ Lot(s): _____

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 102.12 ft +/- feet

Depth (please provide an average width if irregular in shape) 99.81 ft +/- feet

Frontage on street: 102.12 ft +/- feet. Frontage on waterbody: 100.76 ft +/- feet

Total land area: 9570.55 sq ft (0.22 acres) ☑ acres ☑ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

Big Carlos Pass Bridge
County Rd 865, Fort Myers Beach, FL 33931 Head west on Estero Blvd 2. Turn right onto Mound Rd 3. Turn left onto Noddy Tern Dr

4. Continue onto Widgeon Terrace Partial restricted usage road Destination will be on the right 2.4 mi

· Head west on Estero Blvd 2. Turn right onto Mound Rd 3. Turn left onto Noddy Tern Dr 4. Continue onto Widgeon Terrace

Partial restricted usage road Destination will be on the right 2.4 mi

☑ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☐ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☑ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☑ Attach a map showing the surrounding property owners as Exhibit 6-7.

☑ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density
☐ Mixed Residential
☐ Boulevard
☐ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.

D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3

E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4

F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5

G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.

H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.

I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: Plaisted Pool
Authorized Applicant: Todd Plaisted
LeePA STRAP Number: 34-46-24-W1-022MO.0010

Current Property Status: Single Family Residence			
Current Zoning: Residential (RC)			
Future Land Use Map (FLUM) Category: Mixed Residential			
Comp Plan Density:	**Platted Overlay?**	☐ **Yes**	☐ **No**

Variance is requested from:

LDC Section Number	**Title of Section or Subsection**
34-1174 34-638	Rear and side setbacks

Complete the narrative statements below for EACH variance requested.

Case # _____ Date Received: _____

PART I
Narrative Statements

Request for variance from 34-1174 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
The applicant requests a variance to construct his pool within 16 1/2 feet from the rear property line. The current code is 34-638 which is 25 feet. The neighbor residing at 21401 Widgeon Terrace, Fort Myers Beach, FL pool is constructed within 25 feet. See the picture marked as Exhibit "1" (Neighbor's Pool)
The applicant also requests a variance from the current 25 foot setback pursuant to Table 34-3 to be within 7 1/2 feet of the side property line. Please note that this setback was modified from 7 1/2 feet to 25 feet in February of 2022.
Attached is the Lee County Property Appraiser's Print Out for the applicant's house marked as Exhibit "2". Exhibit "3" is a survey showing where the pool is to be located .
A photograph of the residence and property line is marked as Exhibit "4". Photographs of the planned area for the pool is marked as Exhibit "5" and "6". A picture of the applicants house from the back bay is Exhibit "7", and a survey of the applicant's property is Exhibit "8".

Reasons for request

Explain why the variance is needed:
The property has only one possible location for a pool as demonstrated on the survey is marked as Exhibit "3".

Explain the possible effect the variance, if granted, would have on surrounding properties:
The granting of this variance will not be injurious to the neighborhood or otherwise
detrimental to the public welfare. The adjacent property on the pool side will be 7 1/2, the
former setback amount. The nearest structure pool side is the elevated house with a
substantial hedge on the property line, with the garbage being next to the purported pool.
See Exhibit "5", Picture 1 and 2. Picture #5 shows the applicant's house and the potentially
affected neighbor.

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

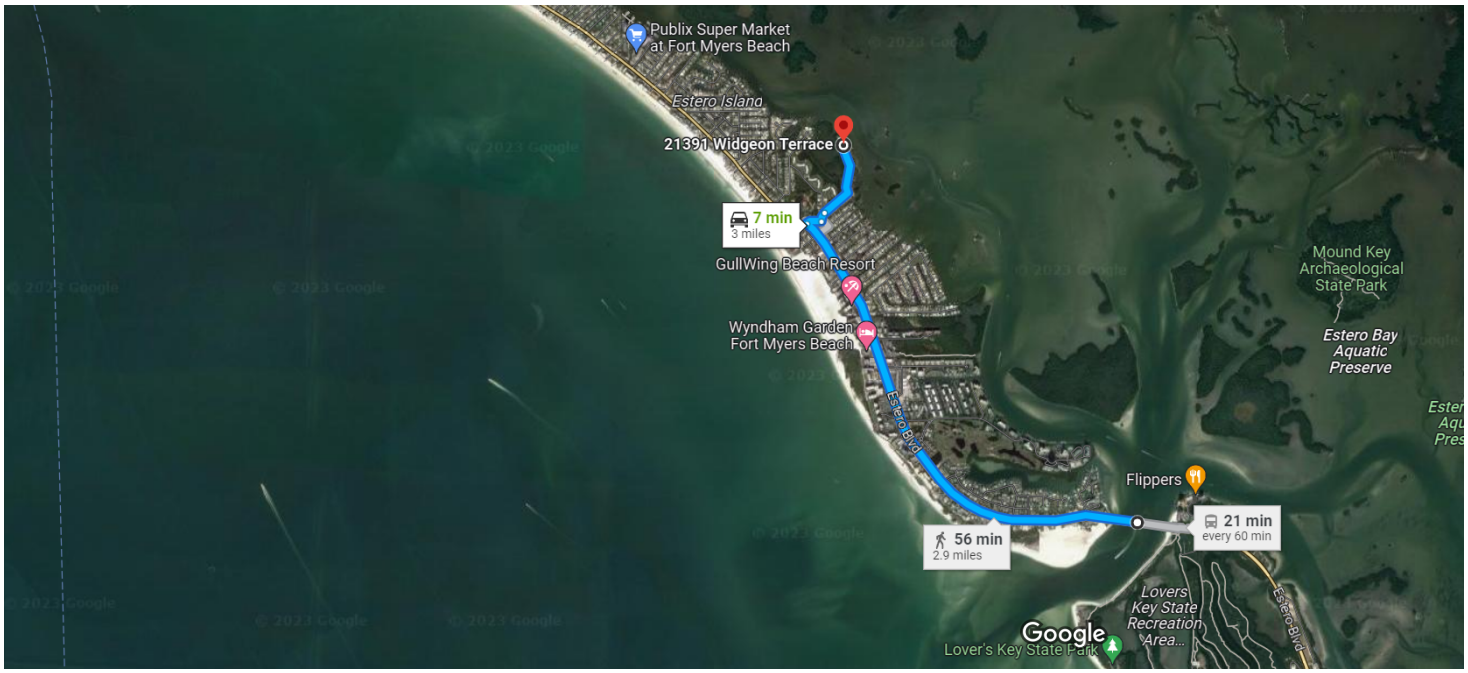
Without these two (2) variances, the applicant will not be able to fully enjoy his home.
There is just not any place else for their pool.

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
The applicant's request is de minimis in nature and will only allow for the development of a private pool that will be accessory to the single-family dwelling unit, or the principal structure.
The variance request is not the result of action taken by the current property owner, who acquired the property in 2021.
The requested variance is the minimum to relieve the applicant of the code requirement. The variance is from the requirement that restricts accessory uses such as a pool from being located closer to Estero Bay and his daughter to the south.
The space between the principal structure and the bay is the only available location for the construction of a pool on this Property.

Exhibit 6-3 Pg 8 - D

Big Carlos Pass Bridge to 21391 Widgeon Terrace, Fort Myers Beach, FL 33931

Drive 3.0 miles, 7 min



Imagery ©2023 Airbus, Landsat / Copernicus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 Google 2000 ft

via Estero Blvd — 7 min

Fastest route now due to traffic conditions — 3.0 miles

This route has restricted usage or private roads.

via Estero Blvd — 56 min

2.9 miles

11:57 AM—12:18 PM — 21 min

410

Explore nearby 21391 Widgeon Terrace

Restaurants Hotels Gas stations Parking Lots More

PAGE 1 OF 1

N
W E
S
SCALE:1"=30'

TYPE OF SURVEY:

- ☐ BOUNDARY
- ☐ ALTA/NSPS
- ■ CONSTRUCTION
- ■ TOPOGRAPHIC
- ☐ CONDOMINIUM
- ☐ SPECIAL PURPOSE

PRINTING INSTRUCTIONS

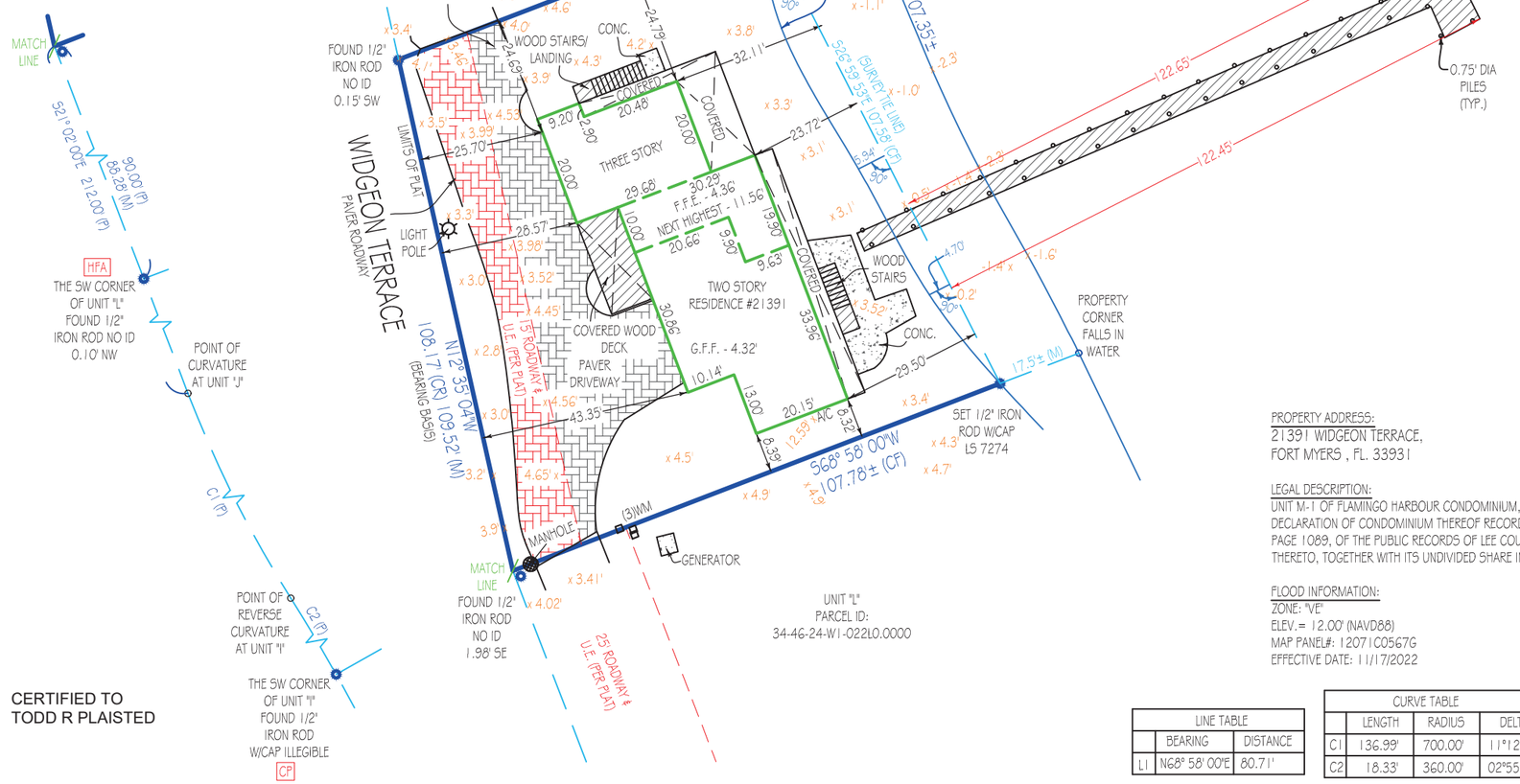
WHEN PRINTING THIS PDF IN ADOBE. SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. **DO NOT USE "FIT".**

ABBREVIATION LEGEND
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

A OR AL = ARC LENGTH	P = PLAT
C/O = CLEANOUT	PC = POINT OF CURVE
CA = CENTRAL ANGLE	PCC = POINT OF COMPOUND CURVE
CATV = CABLE TV RISER	PH = POOL HEATER
CF = CALCULATED FROM FIELD	PI = POINT OF INTERSECTION
CH = CHORD DISTANCE	POB = POINT OF BEGINNING
CONC. = CONCRETE	POC = POINT OF COMMENCEMENT
CR = CALCULATED FROM RECORD	PP = POOL PUMP
DE = DRAINAGE EASEMENT	PRC = POINT OF REVERSE CURVE
EL OR ELEV = ELEVATION	PT = POINT OF TANGENCY
EM = ELECTRIC METER	QTR = QUARTER
F.F.E. = FINISHED FLOOR ELEV.	R = RADIUS
FIR = FOUND IRON ROD	RNG = RANGE
FN = FOUND NAIL	SEC = SECTION
FND = FOUND	TR = TELEPHONE RISER
G.F.F.= GARAGE FINISHED FLOOR	TWP = TOWNSHIP
L= LEGAL DESCRIPTION	UE = UTILITY EASEMENT
M = MEASURED	UP = UTILITY POLE
OHC = OVERHEAD CABLE	WM = WATER METER
	WV = WATER VALVE

SYMBOLS - NOT-TO-SCALE
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

- = UTILITY POLE
- = LIGHT POLE
- = CATCH BASIN
- = FIRE HYDRANT
- = MANHOLE
- = WATER VALVE
- WM = WATER METER
- = HANDICAP PARKING SPACE
- = SEC. QTR. CORNER
- = SECTION CORNER
- (W) = WELL
- ℄ = CENTER LINE
- ℙ = PARTY WALL
- A/C = AIR CONDITIONER
- (S) = SEPTIC LID
- X = ELEV. SHOT



4. RECORD DATA INDICATES OWNERSHIP TO THE EDGE OF WATER. *ESTERO BAY* IS TIDALLY INFLUENCED AND REQUIRES A MEAN HIGH WATER DETERMINATION TO ESTABLISH THE PROPERTY BOUNDARY. THE MEAN HIGH WATER LINE AND ASSOCIATED MEANDER LINE HAS BEEN ESTABLISHED AND IS SHOWN HEREON.

PROPERTY ADDRESS:
21391 WIDGEON TERRACE,
FORT MYERS , FL. 33931

LEGAL DESCRIPTION:
UNIT M-1 OF FLAMINGO HARBOUR CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 1357, PAGE 1089, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

FLOOD INFORMATION:
ZONE: "VE"
ELEV.= 12.00' (NAVD88)
MAP PANEL#: 12071C0567G
EFFECTIVE DATE: 11/17/2022

LINE TABLE		
	BEARING	DISTANCE
L1	N68° 58' 00"E	80.71'

CURVE TABLE				CHORD LENGTH	CHORD BEARING
	LENGTH	RADIUS	DELTA		
C1	136.99'	700.00'	11°12'47"	136.77'	S26°38'23"E
C2	18.33'	360.00'	02°55'03"	18.33'	S30°47'15"E

Aerial Photograph
May not show latest improvements. Not-to-scale.



GENERAL NOTES:
1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 2 BUSINESS WEEKS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #7274.

CERTIFIED TO
TODD R PLAISTED

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

SIGNATURE _____ DATE: 8-24-2023

PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

BEARING REFERENCE:
CENTER LINE OF 93rd AVENUE AS N 88°46'09" W
AS REFERENCED IN SUBJECT PROPERTY LEGAL DESCRIPTION.
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

Job Number : 179798-SW	Field: K.A.
Drawn By : E.I.	Date of Field Work : 07/28/2023

PURPOSE OF SURVEY: PROPERTY IMPROVEMENTS-OTHER

REVISIONS	
UPDATE - E.I. - 08/23/2023	

LINETYPES:
BOUNDARY
EASEMENT
WOOD FENCE
OVERHEAD CABLE
BUILDING
CHAIN LINK FENCE
PLASTIC FENCE

Elevations, if shown:
Benchmark: DN3725
Benchmark Elev.: 3.27'
Benchmark Datum: NAVD 88
Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ■

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.
- 15' ROADWAY AND UTILITY EASEMENT ALONG WESTERLY BOUNDARY LINE OF SUBJECT LOT.
- PAVER DRIVEWAY EXTENDS THROUGH THE WESTERLY EASEMENT.
- PAVER DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERLY AND SOUTHERLY SIDES OF LOT AS SHOWN.
- WOOD DOCK CROSSES THE BOUNDARY LINE ON EASTERLY SIDE OF LOT AS SHOWN.

This survey has been issued by the following Landtec Surveying office:
700 W. Hillsboro Blvd. Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587 Fax: (561) 465-3145
www.LandtecSurvey.com
LANDTEC SURVEYING and Lien
LICENSED BUSINESS No. 8507

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please be sure to visit our website at WWW.FMBGOV.com to check for any updates or changes regarding the upcoming meeting.

TIME: 9 AM
DATE: February 13, 2024
CASE: VAR20230162
ADDRESS: 21391 Widgeon Ter
APPLICANT: Todd Plaisted
REQUEST: The applicant is requesting a variance from LDC Table 34-3 to decrease principal structure setbacks to construct an elevated pool closer than 25 feet from a natural waterbody and closer to the side property line than 10 feet.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-1459**

1. **Requested Motion:** **Meeting Date: February 13, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230288, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 8069 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:
The LPA hears and recommends action to the Town Council for variance requests.

What the action accomplishes:
The recommendation will be forwarded to the Town Council.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Resolution

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5. **Background:**
The applicant for 8069 Estero Blvd, is requesting a variance from the Town's Land Development Code 34-638(d)(1)(g). Mechanical equipment such as air conditioners, generators, service panels, meters, and pool equipment, associated with new homes, may encroach up to three feet into rear and waterbody primary structure setbacks but must meet the same street and side setbacks as the building it serves. 1. On lots where the side setbacks are not equal on both sides, mechanical equipment may not be placed on the side of the house with the smaller setback unless the smaller setback is 20 feet wide or more.

This new pool equipment was installed at-grade and encroaches 2.5 feet into the required setback. The property also has a larger side setback on the opposite side of the house, where the equipment was approved. The applicant is requesting a variance of 2.5 feet for a side yard setback of 5.05 feet where a 7.5 foot side yard is required, to allow pool equipment in the west side yard of an existing single-family home.

Attachments:
1. Res 24-09- 8069 Estero
2. 8069EsteroBlvd_StaffReport
3. Exhibit A - Application
4. Exhibit B - As-Built Survey
5. Exhibit C - LPA postcard 8069 Estero

Financial Impact:
Unknown

6. **Alternative Action**
recommend approval

7. **Staff Recommendations:**
Recommend denial

8. **Recommended Approval:**

_____ Date: February 08, 2024
Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024
Amy Baker, Town Clerk

RESOLUTION NUMBER 24-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230288, REQUESTING A VARIANCE FROM LDC 34-638(D)(1)G. WHICH REQUIRES NEW AT-GRADE MECHANICAL EQUIPMENT TO NOT ENCROACH INTO A SIDE YARD SETBACK AND TO BE LOCATED ON THE SIDE OF THE PROPERTY WITH THE LARGER SETBACK, WHERE THERE ARE DIFFERING SIDE SETBACK WIDTHS, FOR THE PROPERTY LOCATED AT 8069 ESTERO BOULEVARD; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Harris Blair J & Valerie J, owners of the property situated at 8069 Estero Boulevard, is requesting a variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths; and

WHEREAS, the STRAP number for the subject property is 03-47-24-W3-00103.0390; and

WHEREAS, the Property is located in the "Low Density Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential, Single Family" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on February 13, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA found that the request is/ is not consistent with the comprehensive plan and the requirements of the LDC and voted to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on February 20, 2024, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES a request for variance from LDC 34-638(d)(1)g. which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable

requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member and seconded by Council Member, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	___
Jim Atterholt, Vice Mayor	___
John R. King	___
Karen Woodson	___
Vacant	___

ADOPTED this __ day of February 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of February 2024.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Variance**
CASE NUMBER:	**VAR20230288**
CASE NAME:	**8069 Estero Blvd; requesting a variance from LDC Section 34-638(d)(1)(g), which requires new at-grade mechanical equipment to meet the primary structure side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.**
LPA HEARING DATE:	**February 13, 2024, at 9 AM**
STAFF RECOMMENDATION:	**Denial**
PREPARED/ SUBMITTED BY:	**Jason Smalley- Senior Planner**

I. APPLICATION SUMMARY

Applicant/Owner:	Blair Harris
Request:	The applicant is requesting variances from LDC Section 34-638(d)(1)(g), which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths.
Subject property:	See attached As-Built Survey
Physical Address:	8069 Estero Blvd
STRAP #:	03-47-24-W3-00103.0390
FLU:	Low Density

Zoning: Residential Single-Family (RS)

Adjacent zoning and land uses:

North: RESIDENTIAL Single-Family (RS)
Single-Family Residence/Two-Family

South: RESIDENTIAL Single-Family (RS)
Single-Family Residence/Two-Family

East: RESIDENTIAL Single-Family (RS)
Single-Family Residence/Two-Family

West: RESIDENTIAL Single-Family (RS)
Single-Family Residence/Two-Family

II. BACKGROUND AND ANALYSIS

Background:
Blair Harris, the applicant for 8069 Estero Blvd, is requesting a variance from the Town's Land Development Code 34-638(d)(1)(g). Mechanical equipment such as air conditioners, generators, service panels, meters, and pool equipment, associated with new homes, may encroach up to three feet into rear and waterbody primary structure setbacks but must meet the same street and side setbacks as the building it serves. 1. On lots where the side setbacks are not equal on both sides, mechanical equipment may not be placed on the side of the house with the smaller setback unless the smaller setback is 20 feet wide or more.

This new pool equipment was constructed at grade and encroaches 2.5 feet into the required setback. The property also has a larger side setback on the opposite side of the house, where the equipment was approved. The applicant is requesting a variance of 2.5 feet for a side yard setback of 5.05 feet where a 7.5 foot side yard is required, to allow a pool equipment pad in the west side yard of an existing single-family home.

Analysis:
The purpose of the RS zoning district is to provide stable neighborhoods where single-family homes are the predominant land use. The lot varies in width from approximately 74 feet to 66 feet. The lot depth is approximately 125 feet. The property currently has a single-family home, which was not destroyed by Hurricane Ian. The code required setback for this lot is 7.5 feet and the house provides an 8.7-foot side yard setback on the west side and a 27-foot side yard setback on the east side.

In 2022, the Applicant built a pool with new equipment pad. The approved plans indicated the pool equipment on the east side of the house, under the access stairs. However, the equipment was installed on the west side of the house with a side

setback of 5.05 feet from the west property line. The permit failed final inspection due to deviating from the approved location without submitting a permit revision. The applicant is requesting a variance of 2.5 feet for a side yard setback of 5.05 feet to allow the pool equipment pad in west side yard setback of an existing single-family home.

Neighborhood Compatibility:
All properties with 75 feet or lesser width along Estero Blvd are required to have a minimum of 7.5 feet wide side yard setbacks. Several single-family residences along this corridor have a pool in the rear yard and equipment on the side of the house. It is unknown whether the equipment was installed original to the home and met the Town's LDC requirements at the time of construction or if the equipment meets the current required side yard setback.

Findings and Conclusions:
LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there are/**are not** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is/**is not** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

   The applicant had the equipment installed professionally and the pool company placed the equipment on the wrong side of the house without amending the permit. The current location is in the smaller side yard abutting another narrow side yard. The side where the equipment was proposed is 27 feet from an adjacent property.

b. *That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

   The homeowner hired a pool company to do this work and believed that it was completed properly. They were not aware of the issue until the final inspection revealed that the equipment was in the incorrect location.

c. *That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to this property.*

   This is the minimum variance that would resolve the setback encroachment.

d. *That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The house currently has air condition equipment in the side yard setback.

e. *That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC 34-638(d)(1)(g), which requires new at-grade mechanical equipment to not encroach into a side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths* and found that the pool equipment variance request does not meet the requirements set forth in sec. 34-87.

Therefore, staff recommends **DENIAL** of VAR20230288, a request for 2.5 feet for a side yard setback of 5.05 feet to allow the newly built pool equipment pad in west side yard of an existing single-family home.

IV. CONDITIONS FOR APPROVAL

If the Town's LPA recommends approval for the variances, town's staff recommends the following conditions of approval.

1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.

V. EXHIBITS

A. Complete application
B. As-Built Survey
C. Postcards

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

This is a first part of a two-part application. Please be sure to fill out this form, which requires general information, as well as the Supplemental Form application specific to action requested for the subject property. Please submit a complete Public Hearing application with required, supplemental information, exhibits and documents to zoningpermits@fmbgov.com. Please do not submit the instructions at the end of the application.

Site Address: 8069 Estero Blvd

STRAP Number: 03-47-24-W3-00103.0390

Applicant: Blair Harris Phone: 5852022205

Contact Name: Valerie Harris Phone: 5853050042

Email: vharris0042@gmail.com Fax: _____

Current Zoning District: Laguna Shores

Future Land Use Map (FLUM) Category: _____

FLUM Density Range: _____ Platted Overlay: ☐ YES ☐ NO

ACTION REQUESTED	SUPPLEMENTAL FORM REQUIRED
☐ Special Exception	PH-A
☑ Variance	PH-B
☐ Conventional Rezoning	PH-C
☐ Planned Development ☐ Commercial ☐ Residential	PH-D
☐ Master Concept Plan Extension	PH-E
☐ Appeal of Administrative Action	PH-F
☐ Vacation of Platted Right-of-way and Easement	PH-G
☐ Other – cite LDC Section: _____	attach on separate sheet

PART I – General Information

A. Applicant*: Blair Harris Phone: 5852022205

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

Applicant Mailing Address: 8069 Estero Blvd, Fort Myers Beach, FL, 33931

Email: vharris0042@gmail.com Fax: _____

Contact Name: Valerie Harris Phone: 5853050042

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

B. Relationship of Applicant to subject property:

☐ Owner* ☐ Land Trust* ☐ Partnership*
☐ Corporation* ☐ Association* ☐ Condominium*
☐ Subdivision* ☐ Timeshare Condo* ☐ Contract Purchaser*
☐ Authorized Representative* ☐ Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: Blair Harris Phone: 5852022205
Address: 8069 Estero Blvd Fort Myers Beach Fl
Email: vharris0042@gmakil.com Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Valerie Harris Phone: 5853050042
Address: 8069 Estero Blvd Fort Myers Beach FL 33931
Email: vharris0042@gmail.com Fax: _____

Name: _____ Phone: _____
Address: _____
Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

☐ Special Exception
☐ Variance from LDC Section 34 - 638 (d)(1)(g)
☐ Conventional Rezoning from _____ to _____
☐ Planned Development
☐ Rezoning from _____ to ☐ Commercial PD ☐ Residential PD
☐ Amendment. List the project number: _____
☐ Extension/reinstatement of Master Concept Plan. List project number: _____

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☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

PART IV – Property Ownership (Single Owner)

☐ Single Owner (individual or husband and wife)

Name: Blair and Valerie Harris Phone: 5852022205

Mailing Address: 8069 Estero Blvd Fort Myers Beach Fl

Email: vharris0042@gmail.com Fax: _____

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Blair Harris swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Blair Harris
Signature

Blair Harris
Printed Name

STATE OF Florida **COUNTY OF** Lee

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence OR ____ online notarization, this 13th day of December, 2023, by Blair Harris, ☐ who is personally known to me OR ☑ who has produced Florida Drivers License as identification.

Jennifer S. Moreland
Notary Public Signature

(SEAL)
Jennifer S. Moreland
Notary Public
State of Florida
Comm# HH126973
Expires 5/5/2025

PART V
Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V – Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
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Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ _____

Signature Printed Name

AFFIDAVIT

APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature | Title

Typed or Printed Name | Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI– Property Information

A. Legal Description:

STRAP: 03-47-24-W3-00103.0390

Property Address: 8069 Estero Blvd Fort Myers Beach Fl 33931

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☐ Yes. Property identified in subdivision: _____

Book: 9 Page: 29 Unit: _____ Block: 3 Lot(s): 3

B. Boundary Survey:

☑ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 70.5 feet

Depth (please provide an average width if irregular in shape) 125 feet

Frontage on street: 75 feet. Frontage on waterbody: 0 feet

Total land area: 8813 ☐ acres ☐ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

1 mile North of Big Carlos Pass Bridge on Estero

☐ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

☐ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

☐ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

☐ Attach a map showing the surrounding property owners as Exhibit 6-7.

☐ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density
☐ Mixed Residential
☐ Boulevard
☐ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION for PUBLIC HEARING

EXPLANATORY NOTES
Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
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Explanatory Notes – Part V 2 Surveys

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: 8069 Estero Pool equipment
Authorized Applicant:
LeePA STRAP Number: 03-47-24-W3-00103.0390

Current Property Status:			
Current Zoning: RS			
Future Land Use Map (FLUM) Category:			
Comp Plan Density:	**Platted Overlay?**	☐ **Yes**	☐ **No**

Variance is requested from:

LDC Section Number	**Title of Section or Subsection**
34-638 (d)(1)(g)	

Complete the narrative statements below for EACH variance requested.

Town of Fort Myers Beach 2525 Estero Blvd. Fort Myers Beach, FL 33931
Phone 239 765-0202 Zoningpermits@fmbgov.com Fax 239 765-0909

Case # _____ Date Received: _____

PART I

Narrative Statements

Request for variance from 638 (d)(1)(g) **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
638 (d)(1)(g) side setbacks non-waterfront lots requires
that the equipment be 7.5 feet setback
The lot width is 74.65' in the front and 66' in the rear

Reasons for request

Explain why the variance is needed:
The equipment was installed last year right before Ian.
The installer placed the equipment in a location that was not on the initial permit

Explain the possible effect the variance, if granted, would have on surrounding properties:
The neighbors on the side of the house that the pool equipment is on do not mind the equipment placement approximately 2 feet past the requirement and entirely on our property
There is not an impact to any of the other surrounding neighbors

Explain the hardship (what is unique about the property) that justifies relief from the regulation:
There is not another reasonable place to put this equipment.
The hardship is that the contractor installed in the wrong place. The contractor claims this is the best location to place the equipment.

Case # _____ Date Received: _____

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
C1. That there are exceptional or extraordinary conditions or circumstances
that are inherent to the property in question, or that the request
is for a de minimis variance under circumstances or
conditions where rigid compliance is not essential to protect public policy;
C1 answer: Deminius and rigid compliance not essential to protect public policy
C2 That the conditions justifying the variance are not the result
of actions of the applicant taken after the adoption of the regulation in question;
C2 Answer: The action was taken after adoption of the regulation
C3 That the variance granted is the minimum variance that will relieve the
applicant of an unreasonable burden caused by the application
of the regulation in question to his property;
C3 answer: The minimum variance will relieve the applicant of the burden
C4That the granting of the variance will not be injurious to
the neighborhood or otherwise detrimental to the public welfare; and c5
c4 answer: Granting the variance will not be injurious to the neighborhood
or otherwise detrimental to the public welfare
c5: That the conditions or circumstances on the specific piece of property
for which the variance is sought are not of so general or recurrent
a nature as to make it more reasonable and practical
to amend the regulation in question.
C5 Answer: This is not a common problem and not practical to amend the
regulation in question.

Case # _____ Date Received: _____

PART 2
Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - iworq (talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of $1800.00 (residential)/Additional Variance $500.00
- Variance (non-residential) $2800.00/ Additional Variance $700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.
Project Name must be the same as the name used on the Request for Public Hearing form.
Applicant must be the same as on the Request for Public Hearing form.
STRAP numbers must be the same as on the Request for Public Hearing form.
Current status of property must be the same as on the Request for Public Hearing form.
"Variance is requested from…" Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

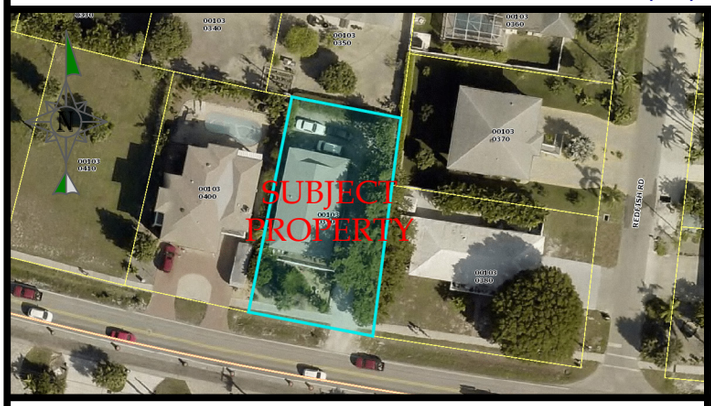
LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
CAPE CORAL, FL 33904
ASSISTANCE@GEOMETRICSURVEYING.COM
(239)-540-6257
(239)-471-2237



LOCATION SKETCH

SCALE = N.T.S.



VIEW OF SUBJECT PROPERTY

8069 ESTERO BLVD, FORT MYERS, FLORIDA 33931

ABBREVIATIONS

A = ARC.	ELEV. = ELEVATION	PVMT. = PAVEMENT	T = TANGENT
A/C = AIR CONDITIONER PAD	ENCR. = ENCROACHMENT	PL. = PLANTER	TB = TELEPHONE BOOTH
A.E. = ANCHOR EASEMENT	F.H. = FIRE HYDRANT	P.B. = PLAT BOOK	T.B.M. = TEMPORARY BENCHMARK
A.R. = ALUMINUM ROOF	F.I.P. = FOUND IRON PIPE	P.G. = PAGE	T.U.E. = TECHNOLOGY UTILITY EASEMENT
A.S. = ALUMINUM SHED	F.I.R. = FOUND IRON ROD	P.L. = PROPERTY LINE	TSB = TRAFFIC SIGNAL BOX
ASPH. = ASPHALT	F.F.E. = FINISHED FLOOR ELEVATION	P.C.C. = POINT OF COMPOUND CURVATURE	T.S.P. = TRAFFIC SIGNAL POLE
B.C. = BLOCK CORNER	F.N.D. = FOUND NAIL & DISK	P.C.P. = PERMANENT CONTROL POINT	TWP = TOWNSHIP
BLDG. = BUILDING	FT. = FEET	P.C. = POINT OF CURVATURE	UTIL. = UTILITY
B.M. = BENCH MARK	NFIP. = NATIONAL FLOOD INSURANCE PROGRAM	P.O.T. = POINT OF TANGENCY	U.E. = UTILITY EASEMENT
B.O.B. = BASIS OF BEARING	F.N. = FOUND NAIL	P.O.C. = POINT OF COMMENCEMENT	U.P. = UTILITY POLE
B.S.L. = BUILDING SETBACK LINE	H. = HIGH OR (HEIGHT)	P.O.B. = POINT OF BEGINNING	W.M. = WATER METER
(C) = CALCULATED	IN.&EG. = INGRESS AND EGRESS EASEMENT	P.R.C. = POINT OF REVERSE CURVATURE	W.F. = WOOD FENCE
C.B. = CATCH BASIN	I.C.V. = IRRIGATION CONTROL VALVE	PWY = PARKWAY	W.P. = WOOD PORCH
C.B.S. = CONCRETE BLOCK STUCCO	ID? = IDENTIFICATION ILLEGIBLE	P.R.M. = PERMANENT REFERENCE MONUMENT	W.R. = WOOD ROOF
C.B.W. = CONCRETE BLOCK WALL	I.F. = IRON FENCE	P.S.M. = PROFESSIONAL SURVEYOR & MAPPER	W.V. = WATER VALVE
CH. = CHORD	L.B. = LICENSED BUSINESS	P.L.S. = PROFESSIONAL LAND SURVEYOR	M/L = MONUMENT LINE
CH.B. = CHORD BEARING	L.P = LIGHT POLE	P.P. = POWER POLE	℄ = CENTER LINE
CL. = CLEAR	L.F.E. = LOWEST FLOOR ELEVATION	P.P.S. = POOL PUMP SLAB	△ = DELTA
C.O. = CLEAN OUT	L.M.E. = LAKE MAINTENANCE EASEMENT	P.U.E. = PUBLIC UTILITY EASEMENT	
C.L.F. = CHAIN LINK FENCE	' = MINUTES	(R) = RECORD	
C.M.E = CANAL MAINTENANCE EASEMENT	(M) = MEASURED	R.R. = RAIL ROAD	
CONC. = CONCRETE	M.B. = MAIL BOX	RES. = RESIDENCE	
C.U.P. = CONCRETE UTILITY POLE	M.E. = MAINTENANCE EASEMENT	R/W = RIGHT-OF-WAY	
C.P. = CONCRETE PORCH	M.H. = MANHOLE	RAD. = RADIUS OR RADIAL	
C.S. = CONCRETE SLAB	N.A.P. = NOT A PART OF	RGE. = RANGE	
C.W. = CONCRETE WALK	NAVD = NORTH AMERICAN VERTICAL DATUM 1988	R.O.E. = ROOF OVERHANG EASEMENT	
D.E. = DRAINAGE EASEMENT	NGVD = NATIONAL GEODETIC VERTICAL DATUM 1929	SEC. = SECTION	
D.H. = DRILL HOLE	NO ID = NO IDENTIFICATION	STY. = STORY	
D.M.E. = DRAINAGE MAINTENANCE EASEMENT	N.T.S. = NOT TO SCALE	SWK. = SIDEWALK	
DRIVE = DRIVEWAY	# OR NO. = NUMBER	S.I.R. = SET IRON ROD	
° = DEGREES	O/S = OFFSET	S.I.P. = SET IRON PIPE	
EB = ELECTRIC BOX	O.H. = OVERHEAD	S.N.D. = SET NAIL & DISK	
E.T.P. = ELECTRIC TRANSFORMER PAD	O.H.L. = OVERHEAD UTILITY LINES	S = SOUTH	
	O.R.B. = OFFICIAL RECORDS BOOK	S.P. = SCREENED PORCH	
	O.V.H. = OVERHANG	S.V. = SEWER VALVE	
		" = SECONDS	

LEGEND

= OVERHEAD UTILITY LINES
= CENTERLINE
= CONCRETE BLOCK STUCCO WALL
= CHAIN LINK FENCE
= IRON FENCE
= WOOD FENCE
= WIRE FENCE
= BUILDING SETBACK LINE
= UTILITY EASEMENT
= LIMITED ACCESS R/W
= RGE, TWP, SEC , $\frac{1}{4}$SEC LINE
= NON-VEHICULAR ACCESS R/W
0.00' = EXISTING ELEVATIONS

SURVEYOR NOTES :

- THIS SURVEY IS TO BE USED EXCLUSIVELY AS AN AID TO OBTAIN TITLE INSURANCE, NO OTHER WARRANTIES ARE HEREBY EXTENDED.
- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY MAY BE SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS, ENCUMBRANCES OR EASEMENTS OF RECORD THE SAME THAT MAY NOT BE NOTED OR DEPICTED HEREON.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT, UNLESS NOTED OR DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" REFERS TO ABOVE GROUND INTRUSIONS OF IMPROVEMENTS ONTO SUBJECT PROPERTY FROM ADJOINERS PROPERTY OR ONTO ADJOINERS PROPERTY FROM SUBJECT PROPERTY.
- ARCHITECTS AND ENGINEERS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECT INFORMATION TO BUILDING AND ZONING OFFICIALS OR ANY OTHER AUTHORITIES FOR APPROVAL OF PLANS FOR NEW CONSTRUCTION. THEY WILL ALSO BE RESPONSIBLE FOR SUBMITTING PLANS WITH CORRECTPROPOSED BUILDING HEIGHTS AND PROPOSED FINISHED FLOOR ELEVATION WITH DATUM FOR NEW BUILDINGS.TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE SHOWN RECORD AND MEASURED CALLS ARE IN SUBSTANTIAL AGREEMENT.
- UNDERGROUND UTILITIES ARE NOT DEPICTED HEREON
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE UNDERGROUND FOOTINGS AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.
- FENCE TIES ARE TO CENTERLINE OF THE SAME.
- WALL TIES ARE TO THE THE FACE OF THE SAME.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THE SKETCH OF THIS BOUNDARY SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: _____ **09/12/2023**
MIGUEL J. GARAY (DATE OF FIELDWORK)

PROFESSIONAL SURVEYOR AND MAPPER LS# 6594 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____

REVISED ON: _____

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	"AE","VE"
BASE FLOOD ELEVATION:	12.00 FT,13.00 FT.
COMMUNITY:	120673
PANEL:	0569
SUFFIX:	G
DATE OF FIRM:	11/17/2022

THE SUBJECT PROPERTY IS AFFECTED BY TWO FLOOD ZONE AREAS.

DRAWN BY:	*SML*
FIELD DATE:	*09/12/2023*
SURVEY NO:	*21-01238*
SHEET:	*1 OF 2*

Miguel J. Garay

Digitally signed by Miguel J. Garay
DN: cn=Miguel J. Garay, o=Geometric surveying, inc., ou, email=assistance@geometricsurveying.com, c=US
Date: 2023.09.18 15:40:39 -04'00'

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

SEAL

MIGUEL J. GARAY
LICENSE NUMBER 6594
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

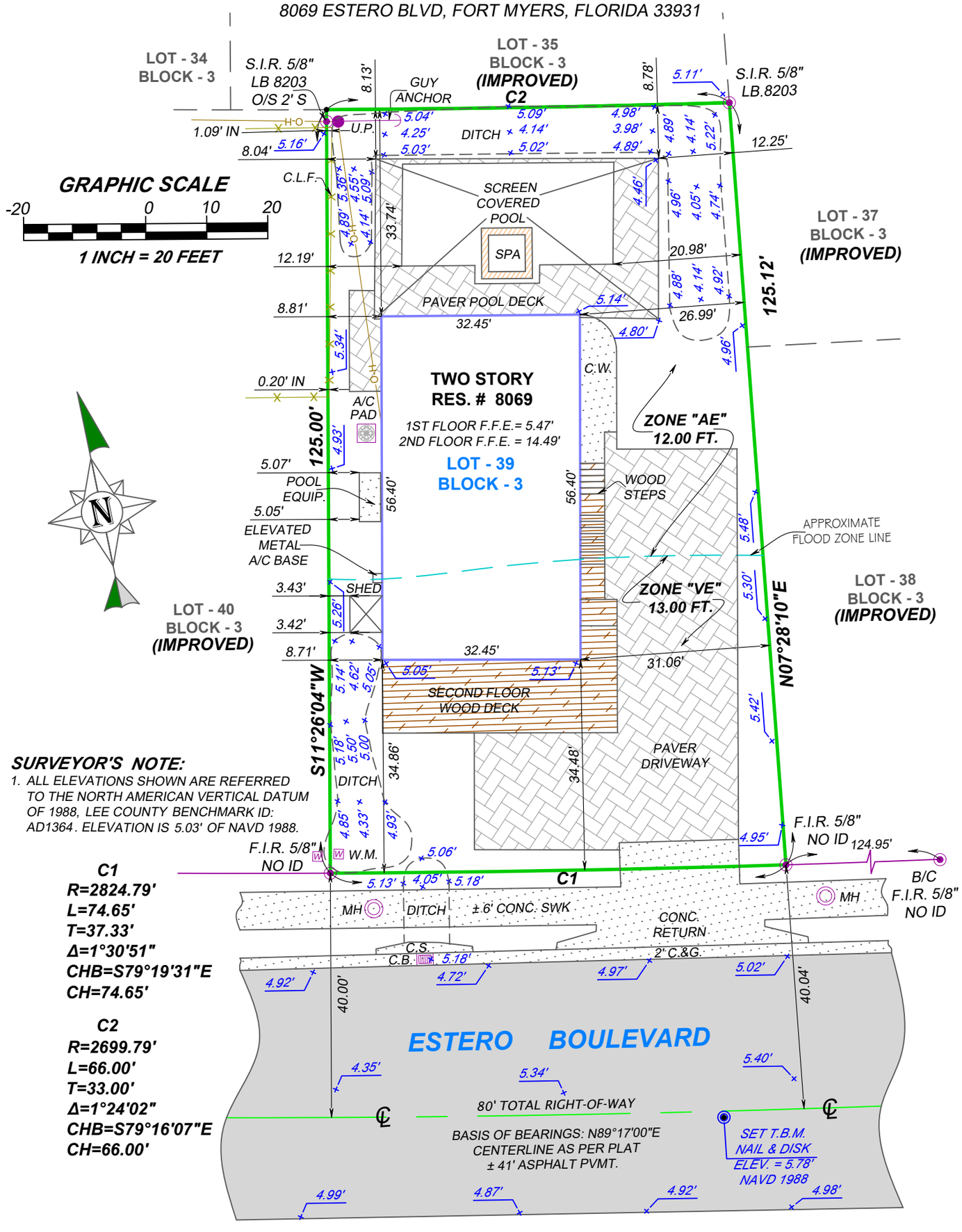
L.S.#6594 L.B.#8203

GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
CAPE CORAL, FL 33904
ASSISTANCE@GEOMETRICSURVEYING.COM
(239)-540-6257
(239)-471-2237

MAP OF BOUNDARY SURVEY

8069 ESTERO BLVD, FORT MYERS, FLORIDA 33931



SURVEYOR'S NOTE:

1. ALL ELEVATIONS SHOWN ARE REFERRED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988, LEE COUNTY BENCHMARK ID: AD1364. ELEVATION IS 5.03' OF NAVD 1988.

C1
R=2824.79'
L=74.65'
T=37.33'
Δ=1°30'51"
CHB=S79°19'31"E
CH=74.65'

C2
R=2699.79'
L=66.00'
T=33.00'
Δ=1°24'02"
CHB=S79°16'07"E
CH=66.00'

SEAL

MIGUEL J. GARAY
LICENSE NUMBER 6594
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

L.S.#6594 L.B.#8203

LEGAL DESCRIPTION:
LOT 39, BLOCK 3, UNIT 1, LAGUNA SHORES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE(S) 29 AND 30, INCLUSIVE, LESS AND EXCEPT THAT PART AS DESCRIBED IN ORDER OF TAKING RECORDED IN CHANCERY ORDER BOOK 39, PAGE 453, FOR RIGHT OF WAY FOR STATE ROAD S-865, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CERTIFICATION:
BLAIR J. HARRIS AND VALERIE J. HARRIS

THIS PAGE IS NOT VALID WITHOUT ALL OTHERS

DRAWN BY:	SML
FIELD DATE:	09/12/2023
SURVEY NO:	21-01238
SHEET:	2 OF 2

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please be sure to visit our website at WWW.FMBGOV.com to check for any updates or changes regarding the upcoming meeting.

TIME: 9 AM
DATE: LPA February 13, 2024, and Town Council March 4, 2024
CASE: VAR20230288
ADDRESS: 8069 Estero Blvd
APPLICANT: Blair Harris
REQUEST: The applicant is requesting a variance from LDC Section 34-638(d)(1)(g), which requires new at-grade mechanical equipment to meet the primary structure side yard setback and to be located on the side of the property with the larger setback, where there are differing side setback widths

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

Town of Fort Myers Beach
Agenda Item Summary Yellow Sheet Number: **2024-1464**

1. **Requested Motion:** **Meeting Date: February 13, 2024**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230284, REQUESTING A VARIANCE FROM TABLE 34-3 PRINCIPAL STRUCTURE SETBACKS, TO DECREASE THE FRONT STREET SETBACK BY 10 FEET AND DECREASE THE REAR SETBACK BY 15 FEET AND DECREASE THE REAR STREET SETBACK BY 15 FEET, TO ALLOW A NEW SINGLE FAMILY HOME FOR THE PROPERTY AT 65 FLAMINGO STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Why the action is necessary:
The LPA makes recommendations to the Town Council for variance requests.

What the action accomplishes:
Approval of this variance would allow construction of a new home with reduced front and rear setbacks.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
resolution

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5. **Background:**
The subject property is an irregularly shaped 72.5 feet wide and 50 feet deep non-conforming lot (3,538.9 sq ft in area) situated along Flamingo Street. The rear yard of the property abuts the Gulf Road cul-de-sac. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 10 feet from the front street setback, 15 feet from the rear street setback and 15 feet from the rear setback to build a new single-family home with a front setback of 15 feet and rear setback of 5 feet.

Attachments:
1. Resolution 24-20
2. Staff report
3. Objection to Variance for 65 Flamingo St
4. Exhibit A - Application
5. Exhibit A Continued - Boundary Survey
6. Exhibit B - LPA AND TC postcard

Financial Impact:
unknown

6. **Alternative Action**
deny

7. **Staff Recommendations:**
Recommend approval with conditions

8. **Recommended Approval:**

_____ Date: February 08, 2024

Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024

Amy Baker, Town Clerk

RESOLUTION NUMBER 24-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH FLORIDA APPROVING/ APPROVING WITH CONDITIONS/ DENYING VARIANCE VAR20230284, REQUESTING A VARIANCE FROM TABLE 34-3 PRINCIPAL STRUCTURE SETBACKS, TO DECREASE THE FRONT STREET SETBACK BY 10 FEET AND DECREASE THE REAR SETBACK BY 15 FEET AND DECREASE THE REAR STREET SETBACK BY 15 FEET, TO ALLOW A NEW SINGLE FAMILY HOME FOR THE PROPERTY AT 65 FLAMINGO STREET; PROVIDING FOR CLARIFICATIONS AS NECESSARY; PROVIDING FOR CONFLICTS OF LAW, SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Karl Pilat, owner of the property situated at 65 Flamingo Street, is requesting three variances from LDC Table 34-3 which requires a single-family home in the RC zoning district to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback; and

WHEREAS, the owner of the property is proposing a street setback variance of 10 feet for a 15-foot street setback, and a rear setback variance of 15 feet for a 5-foot rear and rear street setback; and

WHEREAS, the STRAP number for the subject property is 33-46-24-W3-00600.0180; and

WHEREAS, the Property is located in the "Mixed Residential" category of the Future Land Use Map of the Comprehensive Plan and the "Residential Conservation" zoning district of the Official Zoning Map of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally noticed and held before the Local Planning Agency (LPA) on February 13, 2024, and at said hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Section 34-87 of the LDC. The LPA voted to recommend approval/ approval with conditions/ denial of the variance; and

WHEREAS, on March 04, 2024, the Town Council held a duly noticed public hearing to fully consider the request of the Applicant, the recommendations of Town staff and the LPA, the

documents in the record, and testimony of all interested persons as required by 34-87 of the LDC; and

WHEREAS, the Town Council determined it is in the best interest of the Town to approve/ approve with conditions/ deny the request.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. The Town Council determines the Applicant did/ did not meet its burden of proof that the requested Variance does/ does not meet the requirements of the Town Comprehensive Plan and LDC and approving/ approving with conditions/ denying the Variance is in the best interest of the Town. Therefore, based upon the recommendations, testimony, and evidence presented by the Applicant, Town staff, interested parties and public, the Town Council APPROVES/ APPROVES WITH CONDITIONS/ DENIES these three variances from LDC Table 34-3 a single-family home in RC zoning district to allow construction of a home with a 15-foot street setback, 5-foot rear setback and 5-foot rear street setback.

Section 3. In approving/ approving with conditions/ denying the Variance, the Town Council makes the following findings and conclusions in accordance with the requirements of Section 34-87 of the LDC:

A. There are/ are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is/ is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying approval of the variance are/ are not the result of actions of the Applicant taken after the adoption of the regulation in question.

C. The variance is/ is not the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation to the Property.

D. The granting of the variance will/ will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the Property are/ are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

Section 4. If the Town Council approves the requested variance, the following conditions of approval are imposed on the Applicant and the Property:

A. Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
B. No encroachment, including roof overhangs, may be closer than 40 inches to any property line.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	___
Jim Atterholt, Vice Mayor	___
John R. King	___
Vacant Council Member	___
Karen Woodson	___

ADOPTED this __ day of March 24 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL

_____
Dan Allers, Mayor

ATTEST:

_____
Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

_____
Vose Law, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this ___ day of March 24.

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TYPE OF CASE:	**Variance**
CASE NUMBER:	**VAR20230284**
CASE NAME:	**65 Flamingo Street; requesting variance from LDC Table 34-3 which requires a single-family home in RC zoning district to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback.**
LPA HEARING DATE:	**February 13, 2024**
STAFF RECOMMENDATION:	**APPROVAL with conditions**
PREPARED/ SUBMITTED BY:	**Sarah Propst, AICP, PMP**

I. APPLICATION SUMMARY

Applicant/Owner:	Karl Pilat (Applicant/ Owner)
Request:	Variance from LDC Table 34-3 which requires a single-family home in RC zoning to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback. Applicant is requesting a variance of 10 feet from the front street setback, 15 feet from the rear street setback and 15 feet from the rear setback to build a new single-family home.
Subject property:	See attached site plan
Physical Address:	65 Flamingo Street
STRAP #:	33-46-24-W3-00600.0180
FLU:	Mixed Residential

Zoning: Residential Conservation (RC)

Adjacent zoning and land uses:

North: MIXED RESIDENTIAL
Residential Conservation (RC)

South: MIXED RESIDENTIAL
Residential Single-Family (RS)

East: MIXED RESIDENTIAL
Residential Conservation (RC)

West: MIXED RESIDENTIAL
Residential Conservation (RC)

II. BACKGROUND AND ANALYSIS

Background:
Karl Pilat, owner, and James Ink, applicant, for 65 Flamingo Street, is requesting a variance from the Town's Land Development Code (LDC) Table 34-3 which requires a single-family home in RC zoning district to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback.

The subject property is an irregularly shaped 72.5 feet wide and 50 feet deep non-conforming lot (3,538.9 sq ft in area) situated along Flamingo Street. The rear yard of the property abuts the Gulf Road cul-de-sac. The property supported a single-family residence, prior to Hurricane Ian. The Applicant is requesting a variance of 10 feet from the front street setback, 15 feet from the rear street setback and 15 feet from the rear setback to build a new single-family home with a front setback of 15 feet and rear setback of 5 feet.

Analysis:
The purpose of the RC zoning district is to recognize certain older neighborhoods that had been zoned for duplex, multifamily, or mobile homes prior to incorporation of the Town. A conforming lot in RC zoning is at least 45 feet wide and 80 feet deep and 4,000 sq. ft. of area. The subject property is 72.5 feet wide and 50 feet deep (3,538.9 sq ft in area) and is non-conforming for depth and area.

Prior to Hurricane Ian, it appears that the property contained a single-family residence with reduced setbacks. No data is available about the square footage of the previous residence. No previous variances were found in the Town's record.

Based on LDC Section 34-3273 (7) *A nonconforming lot, which previously had or currently has a residence constructed on it and receives an affirmative minimum use determination per Sec. 34-3274 may request an administrative setback variance in accordance with sec. 34-268.* LDC Section 34-268 (a) (1) b. grants the director authority to modify the setbacks through an administrative variance when the modifications will be the minimum required to allow a home with a footprint of the same square footage as was previously legally constructed on that property and one story in height, above flood elevation, with no enclosure below base flood elevation. No data is available about the square footage of the previous residence. The Applicant is proposing two-stories over flood elevation and therefore does not qualify for an administrative variance.

As per LDC table 34-3, a single-family home in the RC zoning district shall provide a minimum of 25 feet street setback and a rear setback equal to 20 feet. Application of LDC table 34-3, will limit the buildable area on the subject property to less than 250 sq. ft with a 46-foot width and a 6-foot depth. Due to the odd shape of the lot, the Applicant must request a variance to build anything on this property. The Applicant is, therefore, requesting a variance of 10 feet from the front street setback, 15 feet from the rear street setback and 15 feet from the rear setback to build a new single family home with a front setback of 15 feet and rear setback of 5 feet.

Neighborhood Compatibility:
The subject property is part of an older residential neighborhood with several non-conforming lots. Prior to hurricane Ian, these properties appeared to have similar reduced street and rear setbacks. However, as per the Town's LDC Section 34-3238, Post Disaster build-back, if a residence has experienced more than 50 percent damage and requires substantial improvements, the building must comply with current building, life safety, and accessibility codes. The proposed house is similar in style and nature to the existing residences in this neighborhood.

Findings and Conclusions:
LDC Sec. 34-87 sets forth the required findings and conclusions for the approval of a variance:

a. *That there **are**/are not exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request **is**/is not for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.*

   There are exceptional or extraordinary conditions that are inherent to the property. The subject property is a non-conforming lot platted in 1949 with access via Flamingo Street. The property is an oddly shaped lot that abuts the Gulf Road cul-de-sac in the rear yard. Prior to Hurricane Ian, the property supported a single-family residence with reduced setbacks. Therefore, rigid compliance is not essential to protect public policy.

At the same time, the property is part of an older residential neighborhood where several homes appear to have reduced front and rear setbacks. Granting of the requested variances will allow the Applicant to build a two-story residence of approximately 39% ground coverage.

*b. That the conditions justifying the variance are/**are not** the result of actions of the applicant taken after the adoption of the regulation in question.*

The conditions justifying the variance are not the result of the actions of the Applicant. The subject property is a non-conforming lot that was platted in 1949. The strict application of the minimum setbacks for single family residences in RC zoning district as required by LDC Table 34-3, will limit the buildable area on the subject property to less than 250 sq. ft with a 46-foot width and a 6-foot depth. Due to the odd shape of the lot, the Applicant must request a variance to build anything on this property.

*c. That the variance granted **is**/is not the minimum variance that will relieve that applicant of an unreasonable burden caused by the application of the regulation in question to his property.*

As mentioned above, the strict application of the minimum setbacks as required by LDC Table 34-3, will limit the buildable area on the subject property to less than 250 sq. ft with a 46-foot width and a 6-foot depth. Due to the odd shape of the lot, the Applicant must request a variance to build anything on this property.

*d. That the granting of the variance will/**will not** be injurious to the neighborhood or otherwise detrimental to the public welfare; and*

The granting of this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The subject property previously supported a single-family residence with reduced setbacks. The property is part of an older residential neighborhood where several homes appear to have reduced street and rear setbacks. Therefore, the Applicant's request for a variance of 10 feet from the front street setback, 15 feet from the rear street setback and 15 feet from the rear setback, will be consistent with neighboring properties.

*e. That the conditions or circumstances on the specific piece of property for which the variance is sought are/**are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.*

The conditions or circumstances on this specific property for which a variance is sought are not general in nature and do not warrant a code change.

III. RECOMMENDATION

Staff has reviewed the request for a variance *from LDC Table 34-3 which requires a single-family home in RC zoning district to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback* and finds that the variance request does meet the requirements set-forth in sec. 34-87.

Therefore, staff recommends **APPROVAL** of VAR20240284, a request for a variance of 10 feet from the front street setback, 15 feet from the rear yard setback and 15 feet from the rear street setback to allow construction of a new single family with a front setback of 15 feet and rear and rear street setback of 5 feet.

IV. CONDITIONS FOR APPROVAL

If the Town's LPA recommends approval for the variance, town's staff recommends the following conditions of approval.

1) Approval of this variance does not give the Applicant an undeniable right to permit approval. Development or redevelopment of the Property must comply with all applicable requirements of the Fort Myers Beach Comprehensive Plan and LDC in effect at the time of permit approval, except as specifically modified herein.
2) No encroachment, including roof overhangs, may be closer than 40 inches to any property line.

V. EXHIBITS

Exhibit A: Complete Application Packet

Exhibit B: Postcards to Adjacent Property Owners

From: Dick Parsons
To: Sarah Propst
Subject: Variance for 65 Flamingo St
Date: Thursday, February 8, 2024 9:55:43 AM

Applicant: James Ink/ Ink Engineering

Sarah Propst, Town of Fort Myers Beach

I, John Parsons, owner of 57 Flamingo St do not want the variance granted to Mr James Ink at 65 Flamingo St concerning the 25 feet set back from Flamingo St. When we built our house in 2017 we had to build it 25' back from Flamingo St and we think it is only right that everyone has to stick to the same requirements.

CASE NO: VAR20230284

Thank you,
John Parsons
Sent from my iPhone

Note: Florida has a very broad public records law. Most communication(s) to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.

B. Relationship of Applicant to subject property:

- [X] Owner*
- [ ] Land Trust*
- [ ] Partnership*
- [ ] Corporation*
- [ ] Association*
- [ ] Condominium*
- [ ] Subdivision*
- [ ] Timeshare Condo*
- [ ] Contract Purchaser*
- [ ] Authorized Representative*
- [ ] Other* (please indicate)_____

**Applicant must submit a statement under oath that he/she is the authorized representative of the property owner. Please see PART III to complete the appropriate Affidavit form for the type of applicant.*

C. Authorized Agent(s). Please list the name of Agent authorized to receive correspondence Agents

Name: James Ink c/o Ink Engineering Phone: 239-940-2504

Address: 2055 West First St, Fort Myers, FL 33901

Email: jink@inkengineeringinc.net Fax: _____

D. Other Agent(s). Please list the names of all Authorized Agents (attach extra sheets if necessary)

Name: Albert Dambrose c/o Studio AD Phone: 239-292-4098

Address: _____

Email: apd@studioad.net Fax: _____

Name: _____ Phone: _____

Address: _____

Email: _____ Fax: _____

PART II – Nature of Request

Requested Action (each request requires a separate application)

- [ ] Special Exception
- [X] Variance from LDC Section _____ - Table 34-3
- [ ] Conventional Rezoning from _____ to _____
- [ ] Planned Development
- [ ] Rezoning from _____ to [ ] Commercial PD [ ] Residential PD
- [ ] Amendment. List the project number: _____
- [ ] Extension/reinstatement of Master Concept Plan. List project number: _____

☐ Appeal of Administrative Action

☐ Vacation ☐ Right-of-Way ☐ Easement

☐ Other. Please Explain: _____

_____

_____

PART III – Waivers

Please indicate any specific submittal items that have been waived by the Director for the request. Attach a copy of the signed approval as Exhibit 3-1. (Use additional sheets if necessary)

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

Code Section: _____ Description: _____

_____

PART IV – Property Ownership (Single Owner)

☒ Single Owner (individual or husband and wife)

Name: Karl Pilat Phone: _____

Mailing Address: 6700 West Road, Washington MI 48094

Email: _____ Fax: _____

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Karl Pilat swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;

I have authorized the staff of the Town of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Karl Pilat
Printed Name

STATE OF Mi. **COUNTY OF** Macomb.

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ___ online notarization, this 30 day of Nov., 2023 by ____, ☐ who is personally known to me OR ☐ who has produced D L. as identification.

KARL A. PILAT
NOTARY PUBLIC-STATE OF MICH
COUNTY OF MACOMB
My Commission Expires Feb. 6

Notary Public Signature

PART V
Property Ownership (Multiple Owners)

☐ Multiple Owners (including corporation, partnership, trust, association, condominium, timeshare, or subdivision)

- ☐ Complete Disclosure of Interest Form (see below)
- ☐ Attach list of property owners as Exhibit 5-1
- ☐ Attach map showing property owners interests as Exhibit 5-2 (for multiple parcels)
- ☐ For condominiums and timeshares see Explanatory Notes Part V - Exhibit 5-3
- ☐ Letter of Opinion - Exhibit 5-4

DISCLOSURE OF OWNERSHIP INTEREST

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage Ownership

If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address and Office	Percentage of Stock

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address and Office	Percentage of Stock

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

_____ Signature

_____ Printed Name

AFFIDAVIT
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, _____ (name), as _____ (title) of _____ (company), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town of Fort Myers Beach in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Fort Myers Beach Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Name of Entity (corporation, partnership, LLP, LLC, etc)

Signature

Title

Typed or Printed Name

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was certified and subscribed before me by means of ___ physical presence OR ☐ online notarization, this _____day of _____, 20____ , by _____, ☐ who is personally known to me OR ☐ who has produced _____ as identification.

Seal

Notary Public Signature

PART VI– Property Information

A. Legal Description:

STRAP: 33-46-24-W3-00600.0180

Property Address: 65 Flamingo St,

Is the subject property within a platted subdivision recorded in the official Plat Books of Lee County?

☐ No. Attach a legible copy of the legal description as Exhibit 6-1.

☒ Yes. Property identified in subdivision: _____

Book: 9 Page: 8 Unit: _____ Block: _____ Lot(s): 18 less

B. Boundary Survey:

☒ Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. Attach and label as Exhibit 6-2.

C. Property Dimensions:

Width (please provide an average width if irregular in shape) 72 feet

Depth (please provide an average width if irregular in shape) 50

feet Frontage on street: 95 feet. Frontage on waterbody:

0 feet Total land area: 3,538 ☐ acres ■ square feet

D. General Location of Subject Property (from Sky Bridge or Big Carlos Pass Bridge):

3.5 miles south of Times Square, right on Flamingo, property on right

■ Attach Area Location Map as Exhibit 6-3

E. Property Restrictions (check applicable):

■ There are no deed restrictions and/or covenants on the subject property.

☐ A list of deed restrictions and/or covenants affecting the subject property is attached as Exhibit 6-4.

☐ A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5.

F. Surrounding Property Owners (these items can be obtained from the Lee County Property Appraiser):

■ Attach a list of surrounding property owners within 500 feet as Exhibit 6-6.

■ Attach a map showing the surrounding property owners as Exhibit 6-7.

■ Provide Staff with two (2) sets of surrounding property owner mailing labels.

G. Future Land Use Category (see Future Land Use Map):

☐ Low Density
■ Mixed Residential
☐ Boulevard
☐ Pedestrian Commercial
☐ Marina
☐ Recreation
☐ Wetlands
☐ Platted Overlay

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

EXPLANATORY NOTES

Please do not print, copy and submit these instructions

Please submit required applications, supplemental information, exhibits and documents to zoningpermits@fmbgov.com .

Application fees are set by resolution of the Town Council of the Town of Fort Myers Beach and must be paid before any materials submitted will be considered an application.

The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant. Decisions regarding requests to waive submittal requirements are at the discretion of the Community Development Director and may not be appealed.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file.

All attachments and exhibits must be legible, suitable for recording, and of a size that will fit or conveniently fold into a letter size (8 ½ by 11) folder.

Explanatory Notes – Part I

A. Applicant's name: The applicant may be the landowner or an authorized agent.
B. Relationship of applicant to property: Indicate if the applicant is the property owner, and if so, the type of ownership. If the applicant is not the owner of the property, indicate the relationship of the applicant to the owner and submit a notarized authorization from the owner(s) to the applicant.
C. Agent's name: If the applicant will have others representing him/her in processing the application, indicate name, address, and phone number.
D. Other agents: Provide contact information for any other agents that may be involved in the request.

Explanatory Notes – Part II

Indicate the requested action.

Explanatory Notes – Part III

If waiver of any application requirement has been approved by the Community Development Director, attach a copy of the approval. Please request waivers prior to applying. Exhibit 3-1

Explanatory Notes – Part IV

A. If the property owner is an individual or husband and wife, check the box and provide the information.

Explanatory Notes – Part V

A. If there are multiple property owners exhibit 5-1, complete the disclosure form and include the names and mailing addresses of all persons or entities having an ownership interest in the property, including the names of all stockholders and trust beneficiaries. Disclosure is not required of any entity whose interests are solely equity interests that are regularly traded on an established securities market in the United States or another country.
B. If more than one parcel is involved, submit a list of all property owners and their mailing addresses. Provide a map keyed to the list of property owners showing their interests. The applicant is responsible for the accuracy of the list and map Exhibit 5-2
C. Where the property is a condominium or timeshare condominium, the application must be initiated by both the condominium association and no less than 75% of the total number of unit owners. To verify ownership, the list of property owners must be identified by unit number and/or timeshare period as applicable, along with proof that the owners who did not join in the application were given actual written notice of the application by the applicants, who must verify the list and the notice by sworn affidavit. Attach this affidavit as Exhibit 5-3.
D. In addition, a letter of opinion from an attorney licensed to practice law in the State of Florida addressing the considerations in LDC Section 34-201(a)(1)b.3. must be attached as Exhibit 5-4.

Explanatory Notes – Part VI

A. Include the street address of the subject property. List STRAP number. If more than one parcel is involved, list all STRAP numbers. If you don't know the STRAP number, you can look up the property in the records of the Lee County Property Appraiser at http://www.leepa.org. If the application includes only one or more undivided platted lots within a subdivision officially recorded in the Plat Books of Lee County, Florida, identify the property by lot number(s), block if applicable, subdivision unit if applicable, subdivision name, and plat book number and page number. If the property is not one or more undivided platted lots or is in an "unrecorded" subdivision, attach a metes and bounds legal description giving accurate bearings and distances for each course. If multiple parcels are involved, the metes and bounds legal description must describe the perimeter of the entire property subject to the request. The initial point in the description must be related to at least one established identifiable real property corner, such as a government corner or a recorded corner. The bearings used in the description must be clearly referenced to a well-established and monumented line. Exhibit 6-1
B. Submit a Boundary Survey meeting the minimum technical standards for surveying set out in Chapter 61G17-6 of the Florida Administrative Code. Make sure that the surveyor is aware of any specific needs of the survey (location of Coastal Construction Lines, locations of existing structures, locations of easements, etc) that are relevant to your request. The perimeter boundary of the entire subject property should be indicated clearly with a heavy

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

line. Exhibit 6-2

C. Provide the property dimensions or the approximate dimensions if the property is not a regular quadrilateral.
D. Describe how to get to the property starting from either the Sky Bridge or the Big Carlos Pass Bridge (specify which). Exhibit 6-3
E. If there are any deed restrictions or covenants that might affect the requested action, provide the information. Exhibit 6-4
F. A narrative statement detailing how the restrictions/covenants may or may not affect the request is attached as Exhibit 6-5
G. Attach a list of the surrounding property owners within 500 feet of the perimeter of the area of the request. Also include two sets of mailing labels providing the names and addresses of the owners on this list, and a map showing the parcel boundaries within the 500-foot radius Exhibit 6-6. This information can be acquired for a small fee by requesting a "variance report" from the Map Sales Office at the Lee County Property Appraiser's Office. Contact information for the Property Appraiser can be found at http://www.leepa.org.
H. Indicate the Future Land Use Map category or categories of the property as shown on the Fort Myers Beach Comprehensive Plan's Future Land Use Map, and whether the property is located in the "platted overlay" on the map.
I. Indicate the current zoning of the property. In most cases the current zoning is shown on the official zoning map of the Town of Fort Myers Beach, as adopted by ordinance. If zoning actions affecting the subject property have been taken since March 2004, call Town Hall to verify the current zoning.

Explanatory Notes – Part IV & V

The applicant must sign and submit either of the affidavits in Part V & VI, as applicable.

Town of Fort Myers Beach 2525 Estero Blvd Fort Myers Beach, Florida 33931
Phone: 239-765-0202 zoningpermits@fmbgov.com Fax: 239-765-0909

Case # _____ Date Received: _____

Town of Fort Myers Beach

COMMUNITY DEVELOPMENT DEPARTMENT

Supplement PH-B

Additional Required Information for a Variance Application

This is the second part of a two-part application. This part requests specific information for a variance. Include this form with the Request for Public Hearing form.

Case Number:
Project Name: 65 Flamingo Street
Authorized Applicant: James Ink PE, c/o Ink Engineering, Inc
LeePA STRAP Number: 33-46-24-W3-00600.0180

Current Property Status: Vacant due to Hurricane Ian		
Current Zoning: Residential Conservation		
Future Land Use Map (FLUM) Category: Mixed Residential		
Comp Plan Density: 6 u/a	**Platted Overlay?** ☐ **Yes**	☐ **No**

Variance is requested from:

LDC Section Number	**Title of Section or Subsection**
34-643 Table 34-3 - Dimensional Regulations in Conventional Zoning Districts	

Complete the narrative statements below for EACH variance requested.

Case # _____ Date Received: _____

PART I

Narrative Statements

Request for variance from Table 34-3 **(LDC Section number)**

Explain the specific regulation contained in this section from which relief is sought:
See Attached Narrative

Reasons for request

Explain why the variance is needed:
See Attached Narrative

Explain the possible effect the variance, if granted, would have on surrounding properties:
See Attached Narrative

Explain the hardship (what is unique about the property) that justifies relief from the regulation:

See Attached Narrative

Explain how the property qualifies for a variance. Direct this explanation to the guidelines for decision-making in LDC Section 34-87.
See Attached Narrative

PART 2
Submittal Requirements

All applications for a variance must be submitted electronically through our Iworq portal - iworq (talktomycity.com)

Required Items

- Public Hearing Request Form
- Supplemental form PH-B
- Site Plan (to scale) including the current use of all existing structures on the site, and those on adjacent properties within 100 feet of the perimeter; and a clear illustration of the proposed variance
- Fee in the amount of $1800.00 (residential)/Additional Variance $500.00
- Variance (non-residential) $2800.00/ Additional Variance $700.00

Guide to filing PH-B Additional Required Information for a Variance Application

Cover page

Case Number will be inserted by Community Development staff.
Project Name must be the same as the name used on the Request for Public Hearing form.
Applicant must be the same as on the Request for Public Hearing form.
STRAP numbers must be the same as on the Request for Public Hearing form.
Current status of property must be the same as on the Request for Public Hearing form.
"Variance is requested from…" Provide the section number and title of each section of the Fort Myers Beach Land Development Code from which a variance is being sought.

Narrative statements

If the application is for multiple variances, complete all of the narrative statements for each variance that is requested.

Site plan

The site plan must show all existing structures on the site; all existing structures within 100 feet of the perimeter boundary of the site; and a clear illustration of the proposed variance.

LDC Section 34-87

The guidelines for decision-making regarding a request for a variance are as follows:

1. Whether there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or whether the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not necessary to protect public policy;
2. Whether the exceptional or extraordinary conditions justifying the variance are or are not the result of actions of the applicant taken after the adoption of the regulation in question;
3. Whether the requested variance is the minimum variance to relieve the applicant of an unreasonable burden caused by the application of the regulation in question;
4. Whether granting the variance would be injurious to the neighborhood or otherwise detrimental to the public welfare;
5. Whether the conditions or circumstances of the specific piece of property or the intended use of the property for which the variance is sought are of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

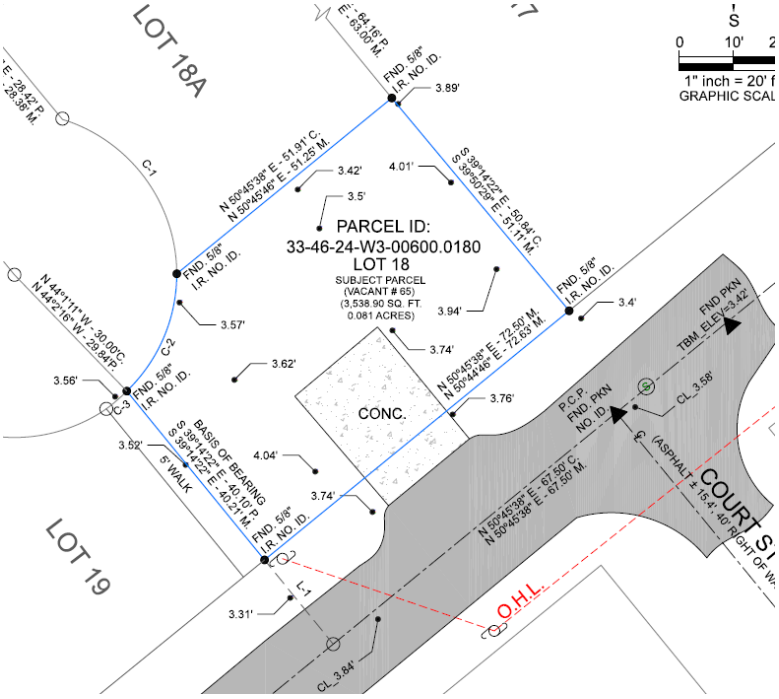
Ink Engineering, Inc.
Plan – Design – Engineer
2055 West First Street Fort Myers, FL 33901
jink@inkengineeringinc.net
(239) 940-2504

Variance Justification Narrative

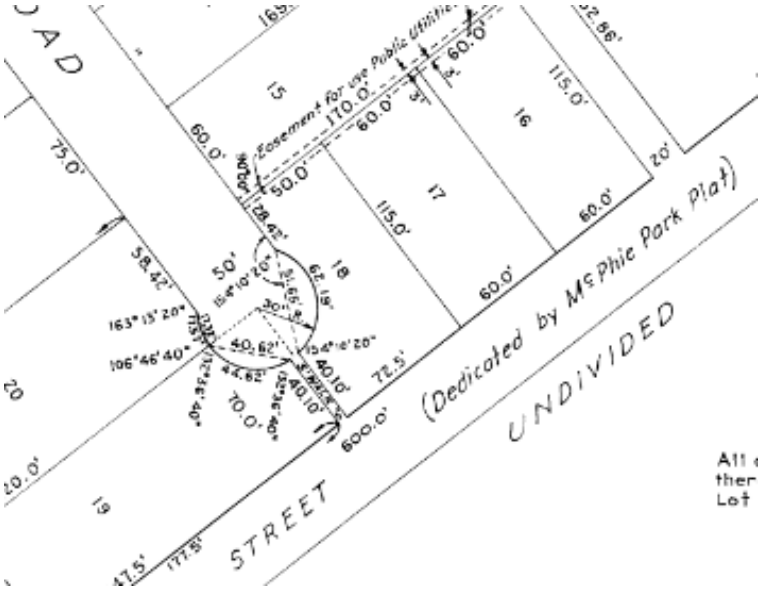
This application is to request two variances from the Fort Myers Beach Land Development Code.

Project Information

The variance request is for a single-family home site located at 65 Flamingo Street that had one dwelling unit before Hurricane. The submittal package has a boundary survey of the existing condition of a vacant lot. Unfortunately, there is no survey available for the structure before Hurricane Ian.



The parcel has 3,538.90 square feet. The current Mixed Residential future land use allows a density of six units per acre. This would require a parcel of 7,260 square feet for consistency. Since the parcel does not meet the square footage requirement this would be non-conforming per Section 34-3271(b) FMBLDC. The parcel was created February 16, 1949, as Estero Park a subdivision of Bock I, Unit 2 McPhie Park original recorded in Plat Book 8, Page 58. The subject parcel is Lot 18 of the record plat. The Estero Park plat is submitted in the application. The lot was split at an undetermined time with the Northwesterly 63.76 feet removed from Lot 18 to create 6081 Gulf Road. The 6081 Gulf Road duplex was constructed in 1951 which pre-dates the incorporation of the Town of Fort Myers Beach and implementation of the Town Comprehensive Plan and Land Development Code.



Partial Estero Park Plat a recorded in Plat Book 9 Page 8, Lot 18.



1970 Aerial showing existing of both structures on Lot 18



2021 Aerial (Pre-Ian)



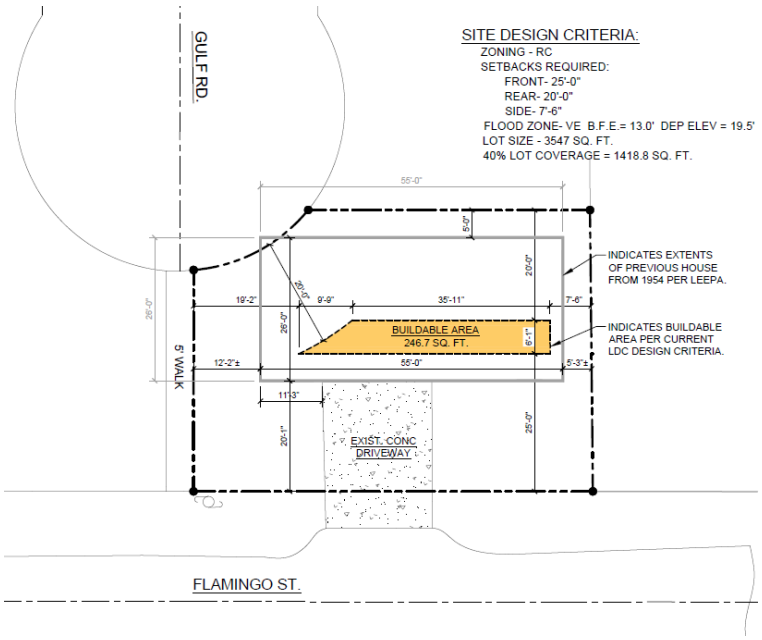
2022 Aerial (Post Ian)

As shown on the Pre-Ian 2021 Aerial the home had non-conforming setbacks. Unfortunately, all existing records such as Pre-Ian surveys were lost in the storm so there is no documentation of the construction size and setbacks of the home. Therefore, this application is going to show the constraints that the current Land Development Code places on the property and the hardship that it creates to reconstruct a reasonable single-family residence of the site.

Table 34-3 of the Fort Myers Beach Land Development Code sets the constraints on the parcel for construction. The following is the property development regulations for a Residential Conservation zoning parcel:

Street Setback –	25 FT
Side Setback -	7.5 FT (lot width 72.50’)
Rear Setback -	20 FT
Lot Area -	4,000 SF
Lot Width -	45 FT
Lot Depth -	80 FT
Building Coverage -	40%
Building Height -	30 FT per Section 34-631 FMBLDC
Stories -	3

Demonstrating the Street setback, side setback, rear setback and discounting the rear lot line is adjacent to Gulf Road right of way yields an unreasonable building area of 246.7 square feet and buildable area dimensions of approximately 46’ x 6’



Variance Exhibit SK-2

This application is to request the following variances from Table 34-3 to create a reasonable building area.

1. Request to change the minimum square footage of lot area in Table 34-3 from the required 4,000 square feet to the actual deeded lot area of 3,538.90 square feet.
2. Request to change the minimum front street setback per Table 34-3 from the required 25 feet to 20 feet with a 15’ setback above base flood at first living floor only.
3. Request to change the minimum rear setback per Table 34-3 from the required 20 feet to 5 feet.
4. Request to change the minimum rear street setback per Table 34-3 from the required 25 feet to 5 feet.

Provided the variances are granted the buildable area will be increased to 1,406 square feet and a buildable area of approximately 57.5' by 26' are reasonable building area. The required analysis for each requested variance per

Variance #1 from Table 34.3 – Minimum Lot Area

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

   The lot area is a fixed square footage of 3,538.90 square feet. This is below the minimum of 4,000 square feet per Table 34-3 FMBLDC. This lot was created before the incorporation of the town and therefore pre-dates Table 34-3 of the Land Development Code requirement for lot area. Granting the variance is a de minimis variance under these circumstances.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

   The property owner purchased the property in May 2000 with the lot area the same at purchase as exists today. There has been no change in the lot area after adoption of Table 34-3 of the Land Development Code.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

   The requested variance for the actual condition of a non-conforming lot. Granting the variance does not change the existing conditions.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   The existing lot area has been in existence for over 40 years and before the incorporation of the town. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

   A variance for lot area to allow existing non-conforming lots to be buildable is a unique action due to the difference in platted lots created before the Land Development Codes were created. Granting the lot area variance is not general or potentially recurrent to

create a reasonable and practical Land Development code amendment to address this request.

Variance #2 from Section Table 34.3 – Front Street Setback

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

   The allowable front setback is 25 feet with the request being 20 feet at the ground level and allow a 15-foot setback to a balcony at the first habitable level above base FEMA and DEP elevated elevations. Historically the condition of the pre-Ian structure was approximately 20 feet and like other structures on Flamingo. There exist post hurricane three structures fronting Flamingo that have setbacks approximately 20 feet with one at 6082/6084 Gulf Road at approximately 5 feet. Evidence from the Lee Property Appraiser GIS website has the destroyed home on the parcel at 20 feet. Hurricane Ian created extraordinary circumstances and the request is to rebuild a reasonable home on the site. Granting the variance is a de minimis variance under these circumstances.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

   The property owner purchased the property in May 2000 with a home with an approximately 20-foot street setback. This request will allow a 26’ deep home on the site. The applicant did not take any action that created the previous condition that this request petitions to be restored.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

   The requested variance for the actual condition of a non-conforming lot. Granting the variance does not change the pre-storm condition and allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   The requested setback is similar to pre-storm condition and structures that survived the storm on Flamingo have similar street setbacks. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

A variance for front setback to allow an existing non-conforming lot to be buildable is a unique action due to the difference in platted lots created before the Land Development Codes were created. Granting the front yard variance is not general or potentially recurrent to create a reasonable and practical Land Development code amendment to address this request.

Variance #3 from Section Table 34.3 – Rear Setback

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

   The allowable rear yard setback is 20 feet with the request being 5 feet. This is approximately the existing rear yard setback pre-Ian. The request is to allow the non-conforming use before the homeowner lost their home in the largest storm in Southwest Florida history. Granting the variance is a de minimis variance under these circumstances and restores the pre storm condition.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

   The property owner purchased the property in May 2000 with a home with an approximately 5-foot rear setback. This request will allow a 26’ deep home on the site. The applicant did not take any action that created the previous condition that this request petitions to be restored.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

   The requested variance for the actual condition of a non-conforming lot. Granting the variance does not change the pre-storm condition and allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   The requested setback is like pre-storm condition and structures that survived the storm on Flamingo have similar street setbacks. There is no change in the neighborhood with the granting of this variance.

5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

A variance for rear yard setback to allow an existing non-conforming lot to be buildable is a unique action due to the difference in platted lots created before the Land Development Codes were created. Granting the rear yard variance is not general or potentially recurrent to create a reasonable and practical Land Development code amendment to address this request.

Variance #4 from Section Table 34.3 – Rear Street Setback

Per 34-87(c) there is guidance on before granting any variance, the town council must find that all the following exist:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect the public policy.

   The allowable street setback is 25 feet with the request being 5 feet to be the same as the requested 5-foot rear setback variance. This would the structure rear setbacks to be the same.

2. That the conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.

   The property owner purchased the property in May 2000 with a home with an approximately 5-foot street setback to Gulf Road. The applicant did not take any action that created the previous condition that this request petitions to be restored. Granting the variance does not change the pre-storm condition and allows for reasonable reconstruction.

3. That the variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

   The requested variance for the actual condition of a non-conforming lot. Granting the variance does not change the pre-storm condition and allows for reasonable reconstruction.

4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   The requested setback is similar to pre-storm condition and structures that survived the storm on Flamingo have similar street setbacks. There is no change in the neighborhood with the granting of this variance.

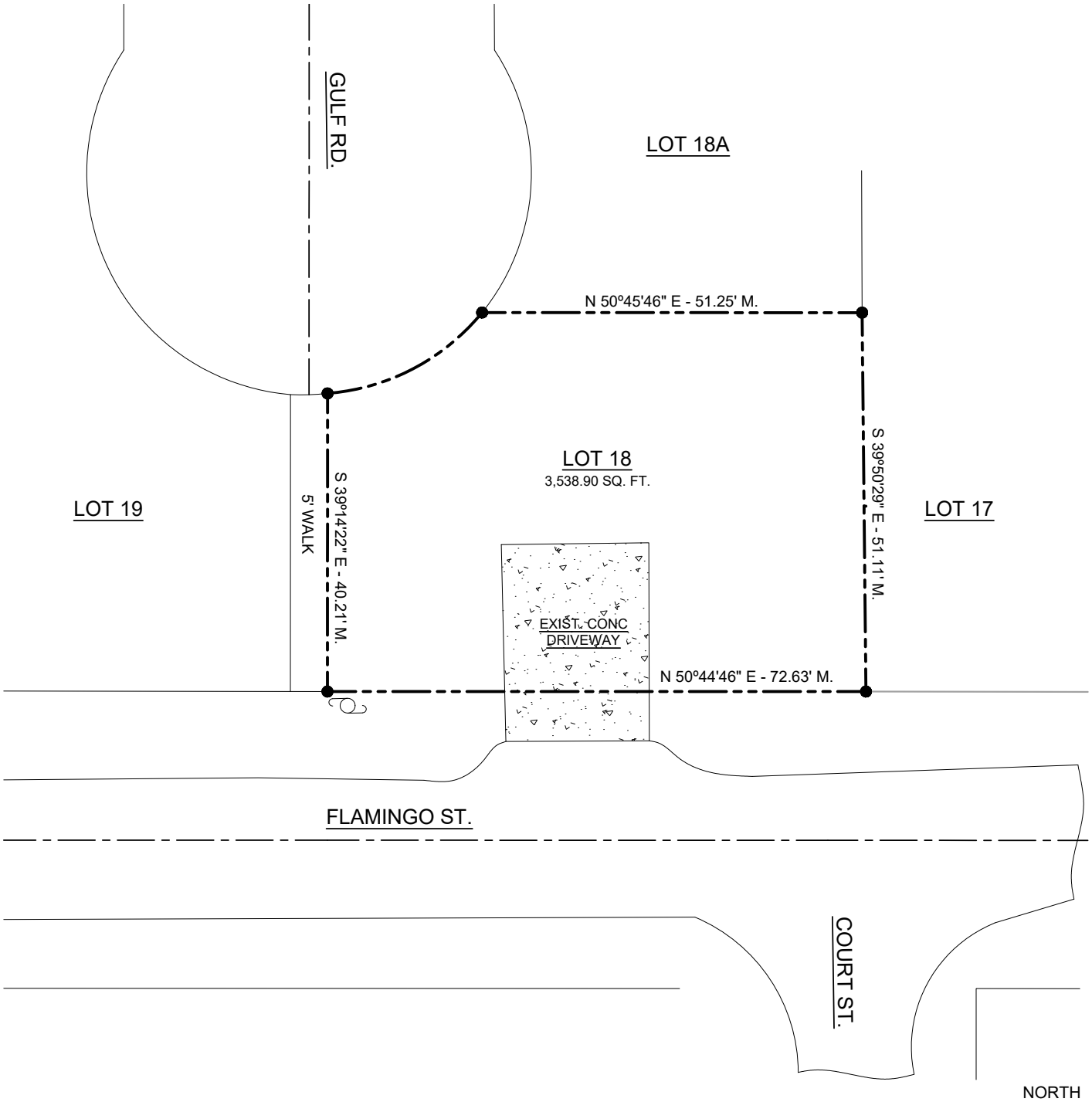
5. That the conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

   A variance for rear street setback to allow an existing non-conforming lot to be buildable is a unique action due to the difference in platted lots created before the Land

Development Codes were created. Granting the rear street setback variance is not general or potentially recurrent to create a reasonable and practical Land Development code amendment to address this request.

STUDIO AD ARCHITECT
6202 Presidential Ct Suite D
Fort Myers, FL 33919
T: 239.292.4098
apd@studioad.net
www.studioad.net

65 FLAMINGO ST.
FORT MYERS BEACH, FL



BOUNDARY SURVEY

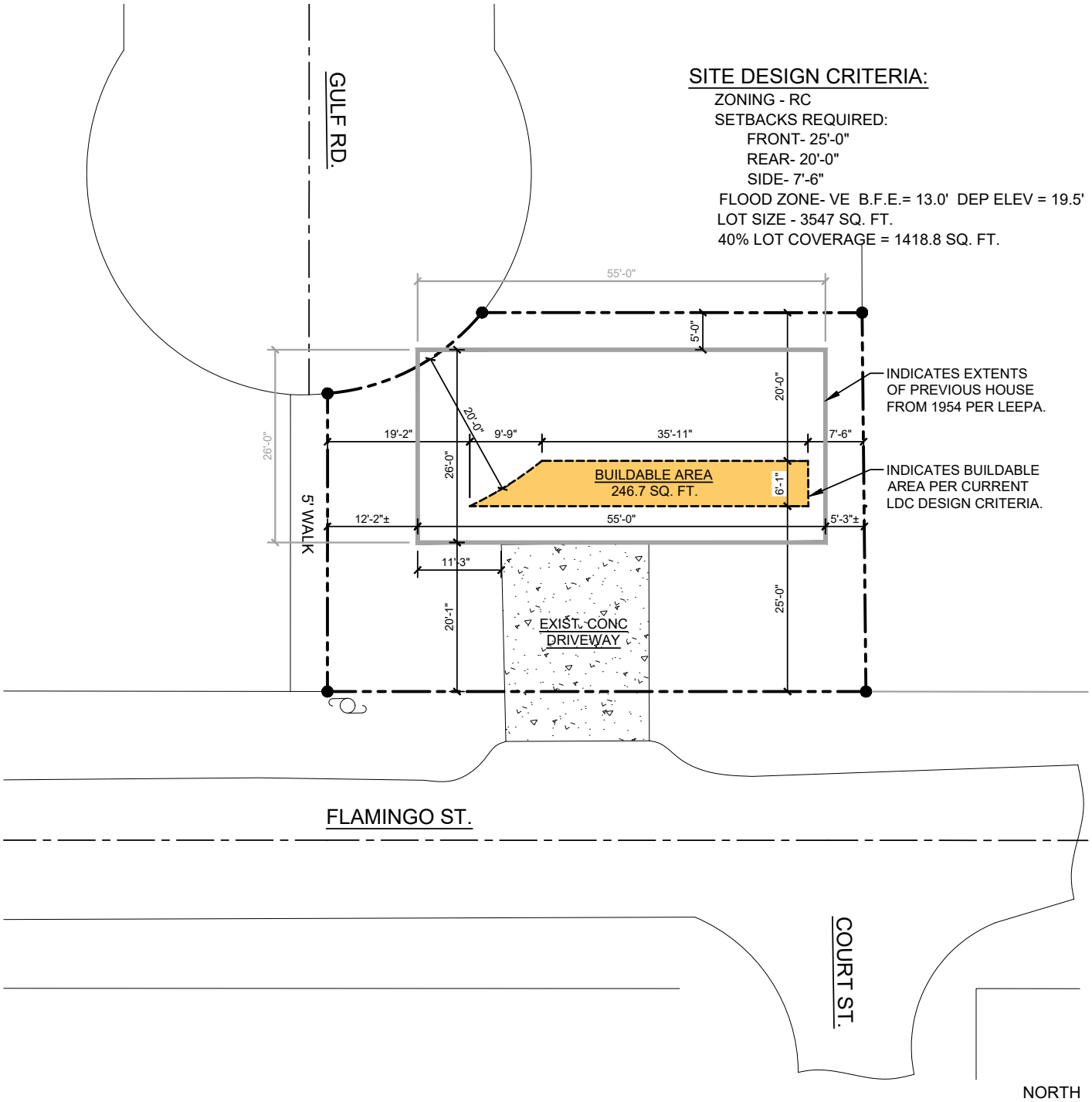
NORTH

SCALE: 1" = 20'-0"

ALBERT DAMBROSE AR93689	DATE ISSUED: 17 JULY 2023 REVISIONS:	SK-1

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65 FLAMINGO ST.
FORT MYERS BEACH, FL



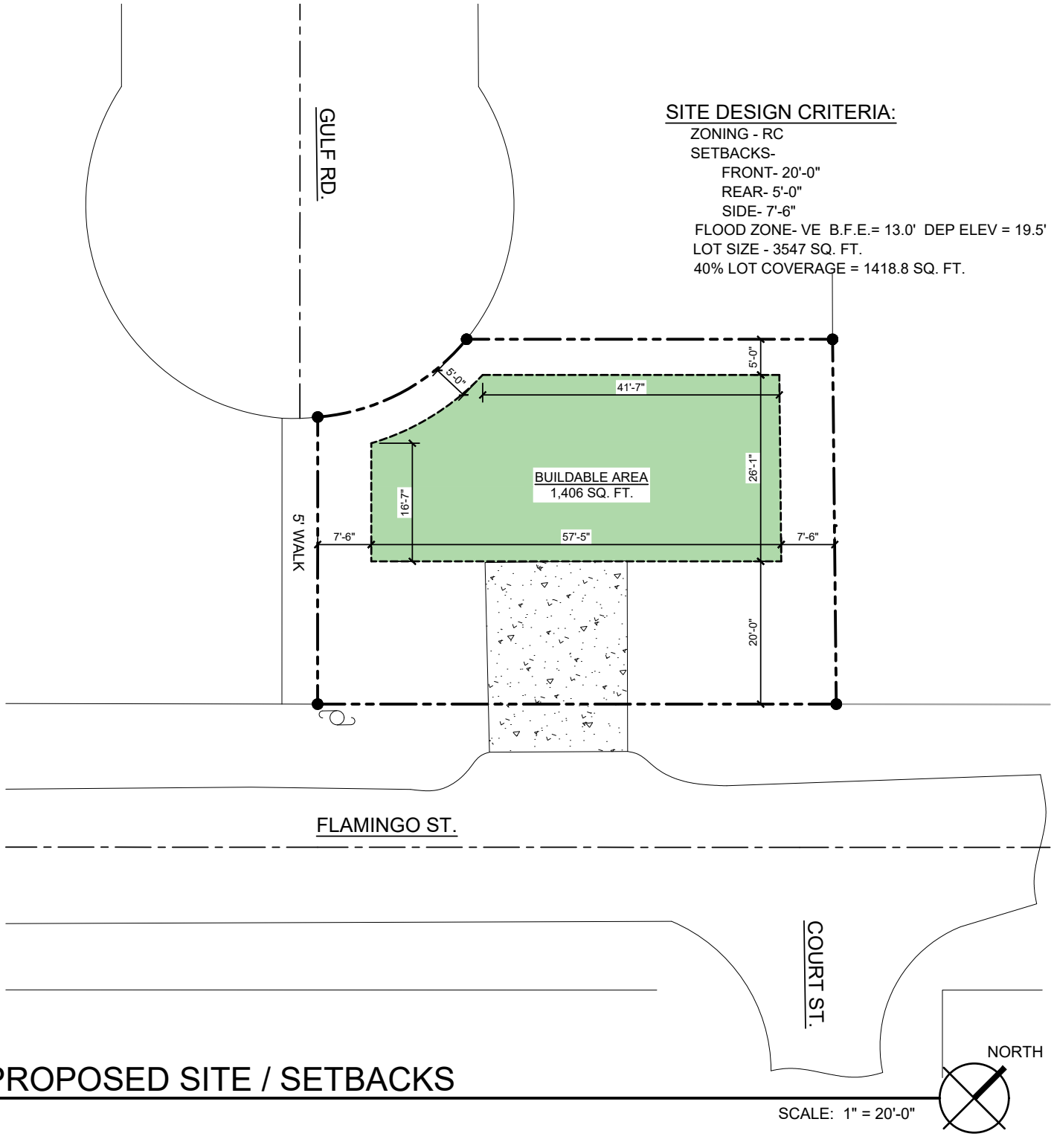
EXISTING SITE / SETBACKS

SCALE: 1" = 20'-0"

ALBERT DAMBROSE AR93689	DATE ISSUED: 17 JULY 2023 REVISIONS:	SK-2

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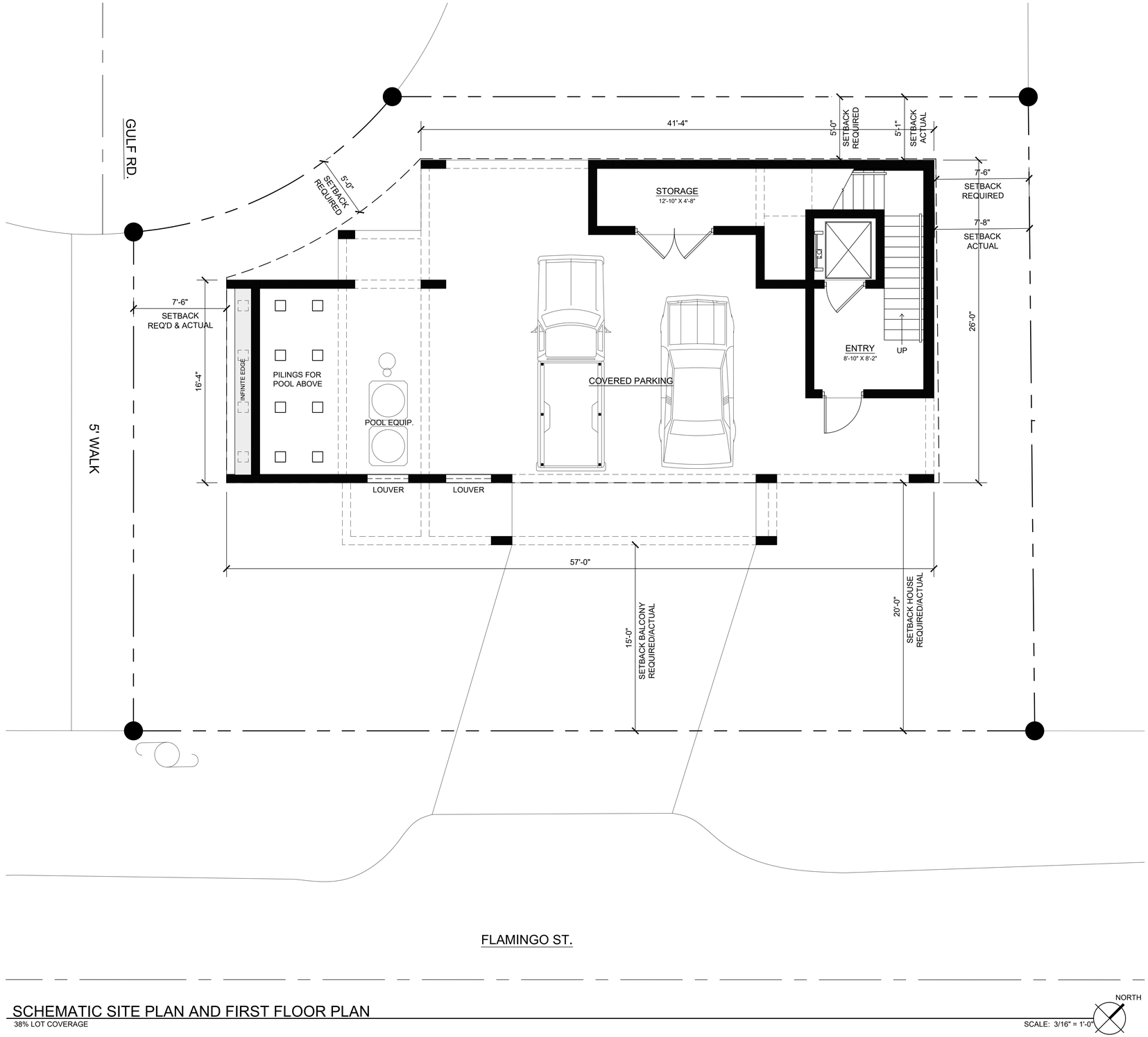
65 FLAMINGO ST.
FORT MYERS BEACH, FL



PROPOSED SITE / SETBACKS

SCALE: 1" = 20'-0"

ALBERT DAMBROSE AR93689	DATE ISSUED: 17 JULY 2023 REVISIONS:	SK-3



SCHEMATIC SITE PLAN AND FIRST FLOOR PLAN

38% LOT COVERAGE

NORTH

SCALE: 3/16" = 1'-0"

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A NEW HOME FOR: THE PILAT FAMILY

65 FLAMINGO ST.
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY
REVIEW SET

NOT FOR
CONSTRUCTION

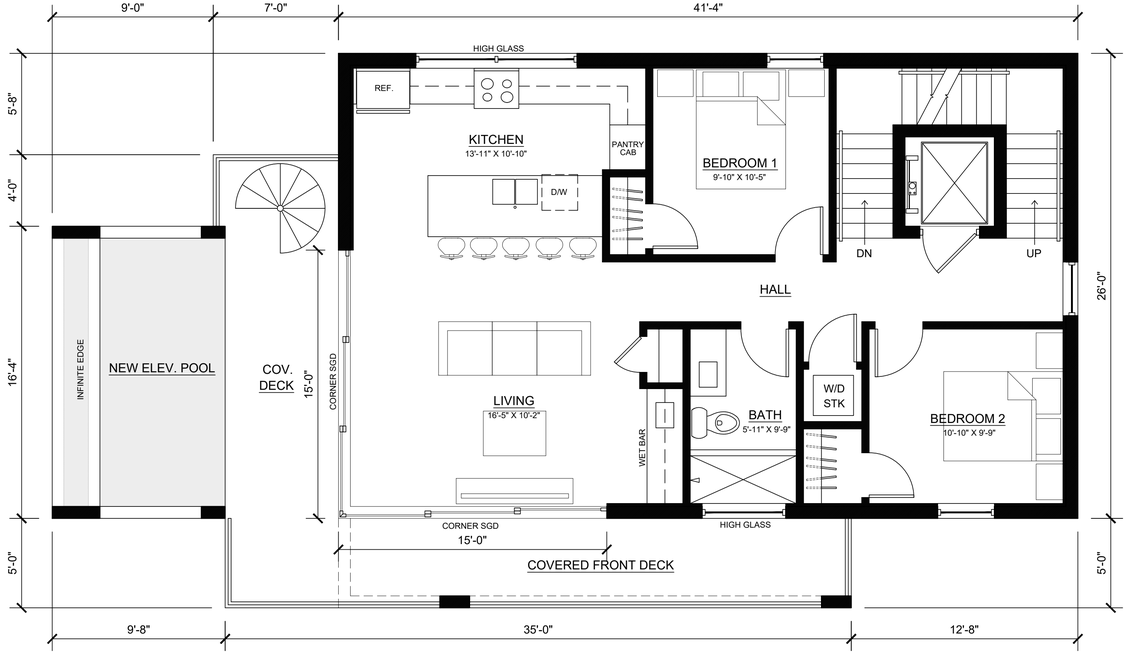
DATE ISSUED: 6 OCT 2023

REVISIONS:

SHEET

D1

OF 2



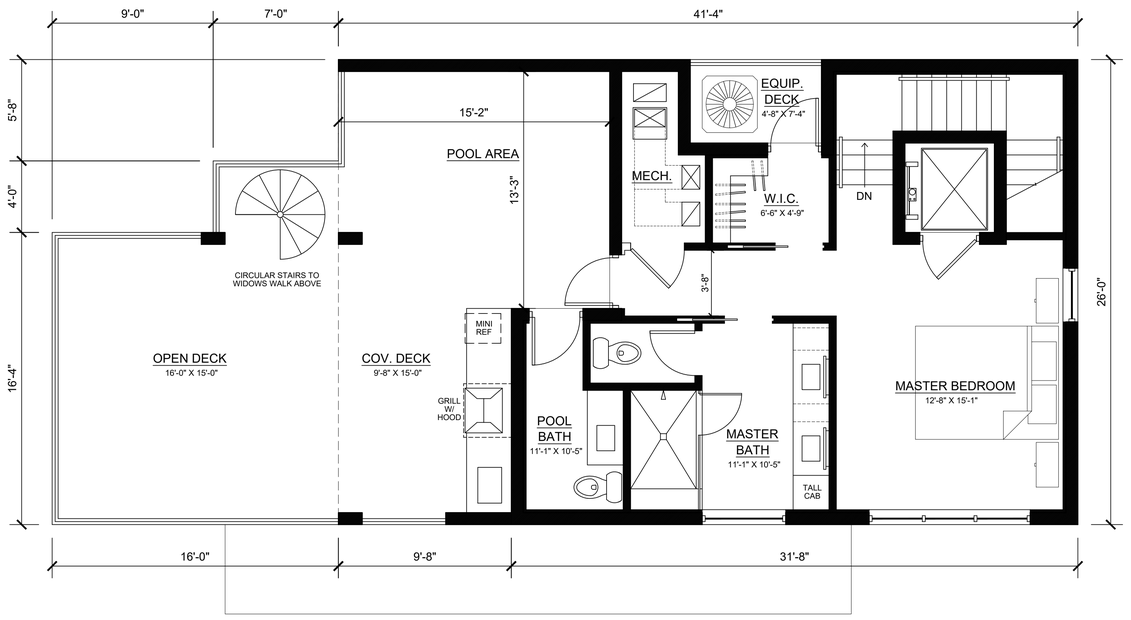
SCHEMATIC SECOND FLOOR PLAN

NORTH

SCALE: 3/16" = 1'-0"

SQUARE FOOT ANALYSIS

SECOND FLOOR LIVING	1075 S.F.
THIRD FLOOR LIVING	747 S.F.
TOTAL LIVING	1601 S.F.



SCHEMATIC THIRD FLOOR PLAN

NORTH

SCALE: 3/16" = 1'-0"

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A NEW HOME FOR: THE PILAT FAMILY

65 FLAMINGO ST.
FORT MYERS BEACH, FLORIDA

CONSULTANT:

ALBERT DAMBROSE
AR93689

PRELIMINARY REVIEW SET

NOT FOR CONSTRUCTION

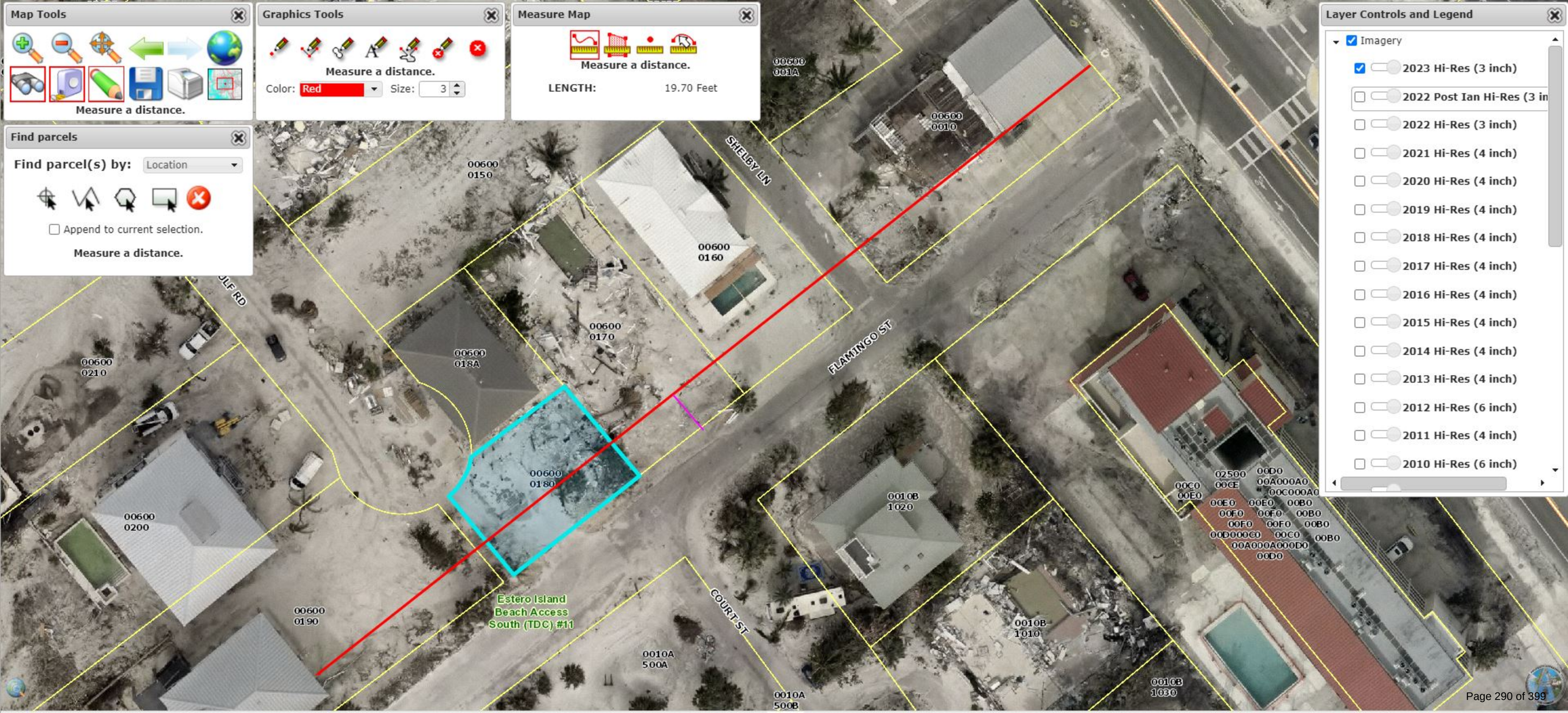
DATE ISSUED: 6 OCT 2023

REVISIONS:

SHEET

D2

OF 2


Map Tools
Measure a distance.
Graphics Tools
Measure a distance.
Color: Red
Size: 3
Measure Map
Measure a distance.
LENGTH: 19.70 Feet
Find parcels
Find parcel(s) by: Location
Append to current selection.
Measure a distance.
Layer Controls and Legend
Imagery
2023 Hi-Res (3 inch)
2022 Post Ian Hi-Res (3 in
2022 Hi-Res (3 inch)
2021 Hi-Res (4 inch)
2020 Hi-Res (4 inch)
2019 Hi-Res (4 inch)
2018 Hi-Res (4 inch)
2017 Hi-Res (4 inch)
2016 Hi-Res (4 inch)
2015 Hi-Res (4 inch)
2014 Hi-Res (4 inch)
2013 Hi-Res (4 inch)
2012 Hi-Res (6 inch)
2011 Hi-Res (4 inch)
2010 Hi-Res (6 inch)
00600 001A
00600 0010
00600 0150
00600 0160
00600 0170
00600 018A
00600 0180
00600 0210
00600 0200
00600 0190
SHELBY LN
FLAMINGO ST
COURT ST
ULF RD
Estero Island Beach Access South (TDC) #11
0010B 1020
0010B 1010
0010B 1030
0010A 500A
0010A 500B
Page 290 of 399

April 12, 2023

Karl Pilat
65 Flamingo St
Fort Myers Beach, 33931

Address: **65 Flamingo St, Fort Myers Beach, 33931,** Strap #: 334624W3006000180
Subject: MUD 20230046

Dear Karl,

At your request, I have reviewed the application for a Minimum Use Determination ("MUD") for the property at 65 Flamingo St. The property is legally described as The Southeasterly 50.84 feet of Lot Eighteen (18), of ESTERO PARK subdivision according to the plat thereof, recorded in Plat book 9, Page 8, of the Public Records of Lee County, Florida. Based upon the information provided by the applicant and reviewed by staff, it does appear the property meets the requirements of Section 34-3274 of the Fort Myers Beach Land Development Code ("LDC"). Staff determined the following findings:

1. The Lot Existed Prior to 1996: Lee County Plat records show the property was in existence prior to 1996.
2. The Lot has Direct Access to an Existing Road: The property is located at 65 Flamingo St, which is a paved and maintained public right-of-way.
3. The Lot has Access to Utilities: Potable water and sanitary sewer are available at the subject property.
4. The Lot is Located in a Future Land Use Category ("FLUM") and Zoning District that Permits Construction of a Single-family Dwelling. The property is located at 65 Flamingo St. The FLUM category is Mixed Residential, and the current zoning is RC, Residential Conservation, both of which allow the construction of a single-family dwelling.

Any determination of the presence of wetlands or other protected species may render the property subject to additional review, including but not limited to, State and Federal regulations. In accordance with Section 34-3274 of the LDC, a single-family residence may be constructed on the lot located at 65 Flamingo St, subject to compliance with all other requirements of the Comprehensive Plan, LDC, and the Florida Building Code.

THIS ADMINISTRATIVE DETERMINATION IS NOT A BUILDING PERMIT.

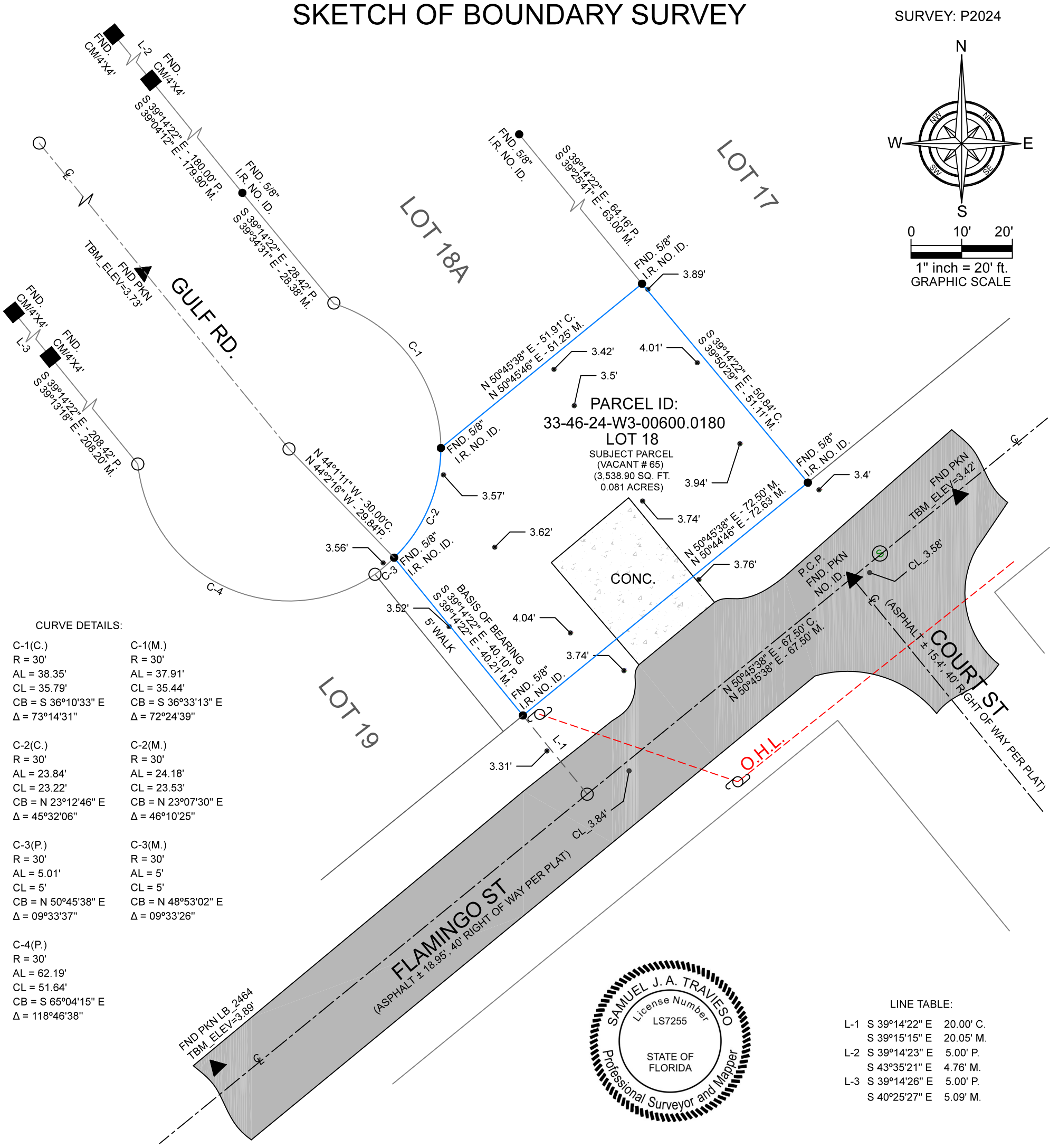
APPEAL PROCEDURES: This determination may be appealed to the Fort Myers Beach Town Council by filing with the Town Clerk a written request within 15 days after issuance stating reasons for disagreement. The Town Council appeal review only allows consideration of information submitted during the process and is limited only as to whether standards in the LDC and the Comprehensive Plan have been applied to the facts of the case. The Town Council cannot consider new or additional evidence at any appeal hearing. Appeals must be filed with the Town Clerk, 2525 Estero Blvd, Fort Myers Beach, Florida 33931.

Sincerely,

Sakshi
Planner

SKETCH OF BOUNDARY SURVEY

SURVEY: P2024



CURVE DETAILS:

C-1(C.)	C-1(M.)
R = 30'	R = 30'
AL = 38.35'	AL = 37.91'
CL = 35.79'	CL = 35.44'
CB = S 36°10'33" E	CB = S 36°33'13" E
Δ = 73°14'31"	Δ = 72°24'39"

C-2(C.)	C-2(M.)
R = 30'	R = 30'
AL = 23.84'	AL = 24.18'
CL = 23.22'	CL = 23.53'
CB = N 23°12'46" E	CB = N 23°07'30" E
Δ = 45°32'06"	Δ = 46°10'25"

C-3(P.)	C-3(M.)
R = 30'	R = 30'
AL = 5.01'	AL = 5'
CL = 5'	CL = 5'
CB = N 50°45'38" E	CB = N 48°53'02" E
Δ = 09°33'37"	Δ = 09°33'26"

C-4(P.)
R = 30'
AL = 62.19'
CL = 51.64'
CB = S 65°04'15" E
Δ = 118°46'38"

LINE TABLE:

L-1	S 39°14'22" E	20.00' C.
	S 39°15'15" E	20.05' M.
L-2	S 39°14'23" E	5.00' P.
	S 43°35'21" E	4.76' M.
L-3	S 39°14'26" E	5.00' P.
	S 40°25'27" E	5.09' M.

SAMUEL J. A. TRAVIESO
License Number
LS7255
STATE OF
FLORIDA
Professional Surveyor and Mapper

Legend:

A.E.	ACCESS EASEMENT
B.F.E.	BASE FLOOD ELEVATION
B.R.	BEARING REFERENCE
B.M.	BENCHMARK
C.	CALCULATED
CATV	CABLE TV. RISER
C.B.	CATCH BASIN
C.V.G.	CONC VALLEY GUTTER
C.M.	CONCRETE MONUMENT
CONC.	CONCRETE
C/O	CLEAN OUT
C.U.E.	COUNTY UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
D.H.	DRILL HOLE
ELEC.	ELECTRIC BOX
ENCL.	ENCLOSURE
E.O.W.	EDGE OF WATER
E.P.	EDGE OF PAVEMENT
F.F.E.	FINISHED FLOOR ELEVATION

FND.	FOUND
I.E.	IRRIGATION EASEMENT
I.D.	IDENTIFICATION
I.R.	IRON ROD
I.P.	IRON PIPE
L.B.	LAND SURVEYING BUSINESS
L.B.E.	LANDSCAPE BUFFER ESMT.
L.C.U.E.	LEE COUNTY UTILITY EASEMENT
M.	FIELD MEASURED
M.E.	MITERED END
N.& D.	NAIL & DISK
N/A	NOT APPLICABLE
N.R.	NON-RADIAL
N.T.S.	NOT TO SCALE
O.H.L.	OVERHEAD LINE
O.U.E.	ORANGE TREE UTIL. ESMT.
P.	PLAT
P.I.	POINT OF INTERSECTION
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVATURE

P.C.P.	PERMANENT CONTROL POINT
P.L.S	PROFESIONAL LAND SURVEYOR
P.S.M.	PROFESIONAL SURVEYOR AND MAPPER
P.T.	POINT OF TANGENCY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVATURE
P.R.M.	PERMANENT REFERENCE MONUMENT
P.U.E.	PUBLIC UTILITY EASEMENT
PKN	PARKER-KALON NAIL
R.	RADIAL
R/W	RIGHT OF WAY
R.O.W.	RIGHT OF WAY
S.D.	STORM DRAIN
T.B.M.	TEMPORARY BENCH MARK
TEL.	TELEPHONE FACILITIES
T.O.B.	TOP OF BANK
U.E.	UTILITY EASEMENT
W.M.	WATER METER

	I.R.
	CONCRETE MONUMENT
	NAIL
	EXISTING FIRE HYDRANT
W	WATER VALVE
	POWER POLE
W	WELL
	CATCH BASIN
	BOLLARD
	BENCH MARK
	LAMP POST
D	DRAIN MANHOLE
S	SANITARY MANHOLE
℄	CENTER LINE

00.00'	EXISTING ELEVATION
00.00'	PROPOSED ELEVATION
	WATER FLOW ARROW
	DISTANCE & BEARING LIMIT ARROW
	ANCHOR
	BREAK LINE (NOT TO SCALE)
	CENTERLINE
	FENCE LINE
	OVERHEAD LINE
	EASEMENT LINE
	EDGE OF THE WATER LINE
	PRIMARY STRUCTURE
	SECONDARY STRUCTURE
	PRIMARY PROPERTY LINE
	SECONDARY PROPERTY LINE

CONC. SLAB
ASPHALT
BRICK PAVER
WOOD DECK
STONES
WATER

FOUNDIT

FOUNDIT LAND SERVICES CORP.
LAND SURVEYOR & MAPPER L.B.8425
ariam0916@founditlandservices.com
1764 44th Terrace SW, Naples, FL.34116
(754) 368 2816

SURVEYORS CERTIFICATE:

THIS SURVEY MEETS ALL APLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

SAMUEL J.A. TRAVIESO — Digitally signed by SAMUEL J.A. TRAVIESO Date: 2023.02.02 14:30:28 -05'00'

SAMUEL J. A. TRAVIESO — DATE SIGNED

PROFESSIONAL SURVEYOR AND MAPPERS
FLORIDA CERTIFICATE NO. LS7255. THIS SURVEY MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOT AND MAPPERS.

Parcel I.D.:	DATE OF SURVEY	DRAWN BY
33-46-24-W3-00600.0180	01 / 27 / 2023	W.C.
County/State:	COMPLETION DATE:	CHECKED BY
Lee / Florida	02 / 02 / 2023	A.R.T.

PROPERTY AND OWNER INFORMATION

Property Address:
65 FLAMINGO ST,
FORT MYERS BEACH FL 33931

Certified to:
PILAT KARL,
it's successor's and/or assigns and the Department of Housing and Urban Development as their interests may appear.

Flood Zone Information:
Community Name: TOWN OF FORT MYERS BEACH
Community Number:120673
Panel: 0566 Suffix: G Effective Date: 11/17/2022
Flood Zone: VE B.F.E.= 13.0'

Legal Description As Furnished:

The Southeasterly 50.84 feet of Lot 18, of that certain SUBDIVISION known as ESTERO PARK, according to the map or Plat thereof on file and recordedin the office of the clerk of the Circuit Court of Lee County , Florida in Palt Book 9, Page 8.

Surveyor's Notes:

1. BEARING ARE BASED ON THE SOUTHWESTERLY PROPERTY LINE OF SUBJECT PARCEL, ESTABLISHING AN ASSUMED BEARING OF AS SHOWN ON THE PLAT RECORD.
2. DESCRIPTION AS SHOWN HEREON WAS PROVIDED.
3. BASIS OF THIS SURVEY IS DESCRIPTION, RECORDED PLAT, AND MONUMENTATION FOUND IN PLACE.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
5. THIS SURVEYS OF VISIBLE FEATURES ONLY. UNDERGROUND ENCROACHMENTS, IF ANY, WERE NOT LOCATED.
6. ADDITIONS , DELETIONS, REPRODUCTION OF SURVEY DRAWINGS BY OTHER THAN THE SIGNED PARTY OR PARTIES IS PROHIBITED BY LAW WITHOUT CONSENT OF THE SIGNED PARTY OR PARTIES.
7. THIS SURVEY MAP IS VALID ONLY TO THOSE PERSONS OR ENTITIES NAMED HEREON.
8. ELEVATIONS AS SHOWN HEREON IF ANY, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
9. PROPERTY LIES IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.
10. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT OR TITLE ABSTRACT.
11. THE PROPERTY SHOWN HEREON HAS A STREET ADDRESS OF 65 FLAMINGO ST, FORT MYERS BEACH, FLORIDA. (AS FURNISHED)
12. THE EXPECTED USE OF THE PROPERTY AS DESCRIBED HEREON, AS CLASSIFIED IN THE STANDARDS OF PRACTICE (5J-17 OF THE FLORIDA ADMINISTRATIVE CODE), IS "SUBURBAN". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 7,500 FEET. THE ACCURACY OBTAINED BY MEASUREMENTS AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO MEET OR EXCEED THIS REQUIREMENT.

Town of Fort Myers Beach
Community Development Services - Planning Division
2525 Estero Blvd,
Fort Myers Beach, FL 33931

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

Notice is hereby given that the Local Planning Agency of the Town of Fort Myers Beach will hold a public hearing which will take place at Bay Oaks, 2731 Oak St (tentative location), Fort Myers Beach, Florida, 33931. Please be sure to visit our website at WWW.FMBGOV.com to check for any updates or changes regarding the upcoming meeting.

TIME: 9 AM
DATE: LPA February 13, 2024, and Town Council March 4, 2024
CASE: VAR20230284
ADDRESS: 65 Flamingo St
APPLICANT: James Ink/ Ink Engineering
REQUEST: The applicant is requesting a variance from LDC Table 34-3 which requires a single-family home in RC zoning district to provide a minimum 25-foot street setback, 20-foot rear setback and 20-foot rear street setback.

TOWN CONTACT: SARAH PROPST SARAH.PROPST@FMBGOV.COM

You may appear in person, through counsel, or through an authorized agent and provide testimony, legal argument, or other evidence. At this hearing, the **Local Planning Agency** will review the application materials and hear testimony to make a **recommendation**. Complete records or transcripts of the proceedings are not provided by the Town.

Copies of the application and staff report are available for viewing at Fort Myers Beach Town Hall. Call 239-765-0202 for more information. Town Hall is open between the hours of 8:30 AM and 4:30 PM. Reasonable accommodations will be made in accordance with the Americans with Disabilities Act. If you need reasonable accommodation, contact Town Hall at 239-765-0202.

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Community Development Services - Planning Division
2525 Estero Blvd,
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Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»«Next Record»

Town of Fort Myers Beach
2525 Estero Blvd,
Fort Myers Beach, FL 33931

«OwnerName»
«MailAddress»
«MailCity», «MailState», «MailZip»

Town of Fort Myers Beach
Agenda Item Summary

Yellow Sheet Number: **2024-1461**

Meeting Date: February 13, 2024

1. **Requested Motion:**
Comp Plan Elements

Why the action is necessary:
The LPA recommends Comprehensive Plan updates to the Town Council.

What the action accomplishes:
The input of the LPA will be provided to the Town Council for their final decision regarding adoption of the new Comprehensive Plan.

2. **Agenda:**
PUBLIC HEARINGS

3. **Requirement/Purpose:**
Ordinance

---

5. **Background:**
A pdf file that combines all the comprehensive plan elements is attached to this agenda item. Each of the comprehensive plan elements can be viewed and downloaded separately as Word documents using this link:

FMB Comp Plan Elements_Feb2024

Attachments:
1. PrpsdCmpPlnElmnts_2024

Financial Impact:
Unknown

6. **Alternative Action**
Provide input

7. **Staff Recommendations:**
Provide input and recommend to the Town Council

8. **Recommended Approval:**

_____ Date: February 08, 2024
Nancy Stuparich, Town Attorney

_____ Date: February 08, 2024
Amy Baker, Town Clerk

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 ~~4~~ FLU-1	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 to the natural and built environment that a hurricane, sea-level rise, and coastal erosion 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 4 FLU-1-A	SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented "public realm" that allows people to move throughout the island ~~around~~ without ~~their~~ the need of 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 4 ~~A-1~~ FLU-1-A-1	Maintaining the town's current "human scale" is a fundamental redevelopment principle. ~~Fort Myers Beach is best enjoyed from outside a car; n~~ 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.
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 4 ~~A-2~~ FLU-1-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. 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.
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 4 ~~A-3~~ FLU-1-A-3	The T~~t~~own shall protect residential neighborhoods from intrusive commercial activities ~~(see Policies 4-C-2 and 4-C-3 below).~~ Stable residential areas shall be protected from encroachment by incompatible development. However, within residential areas, the

			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.
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 ~~4-A-4~~ FLU-1-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).~~ 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.
NEW	NEW	POLICY FLU-1-A-5	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.
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 ~~4-A-5~~ FLU-1-A-6	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. 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.
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.	POLICY ~~4-A-6~~ FLU-1-A-7	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.
NEW	NEW	POLICY FLU -1-A-8	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, increasing residential building resiliency, preserving landscaping and residential building aesthetics, and preserving water quality.
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 ~~4-A-7~~ FLU-1-A-9	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: i. defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan; ii. illustrates the types and dimensions of allowable signs that will identify businesses and other destinations without damaging the aesthetic qualities of the town; iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15; iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element; v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and 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).	POLICY 4~~-A-8~~ FLU-1-A-10	The town shall establish clear and consistent rules and processes that govern private and public development. The~~y~~ Town shall ~~be~~ consider the need to incorporate~~d~~ ~~into an~~ illustrated portions of the Land Development Code that: i. Defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan; ii. illustrates the types and dimensions of allowable signs that will identify businesses and other destinations without damaging the aesthetic qualities of the town; iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15; iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element; v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and 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). vii. 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.
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	POLICY ~~4-A-9~~ FLU-1-A-11	~~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~~

	as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.		~~pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.~~ 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.
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.	POLICY ~~4-A-10~~ FLU-1-A-12	~~Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels.~~ The Land Development Code shall provide~~s~~ detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.
NEW	NEW	POLICY FLU-1-A-13	The Land Development Regulations shall be amended to be consistent with this Comprehensive Plan within 12 months of any Comprehensive Plan update.
OBJECTIVE 4-B	FUTURE LAND USE MAP CATEGORIES — 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.	OBJECTIVE ~~4-B~~ FLU-1-B	FUTURE LAND USE MAP CATEGORIES -- Reduce the potential for further overbuilding through a new Future Land Use Map that protects and enhances the 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.	~~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.~~
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	POLICY ~~4-B-2~~ FLU-1-B-1	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 the Coastal High Hazard Areas map ~~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 nine ~~eight~~ categories to all land and water, based on its location, condition, and existing uses.

	water, based on its location, condition, and existing uses.		
NEW	NEW	POLICY FLU-1-B-2	LAND USE CATEGORIES The following Future Land Use designations shall be applied to the Future Land Use Map:
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).	POLICY ~~4-B-3~~ FLU-1-B-3	"LOW DENSITY RESIDENTIAL": 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).
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%.	POLICY 4-B-4 FLU-1-B-4	"~~MIXED~~ MEDIUM 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).~~ except those developments previously vested with 10 units under the "platted overlay" may continue. ~~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%~~.
NEW	NEW		"MIXED-USE": 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

		POLICY FLU-1-B-5	overall 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. The following provides for the specific Mixed-Use Districts a. TIME SQUARE MIXED-USED (TS-MU) DISTRICT **Purpose:** 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. **Uses which may be permitted:** 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. **Intensity:** 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: • 2.5 for properties fronting on Old San Carlos between Fifth and First Streets and fronting on the Times Square pedestrian plaza.

			• 1.5 for properties fronting on Estero Boulevard and fronting on the Bayfront pedestrian plazas. • 1.0 for all other properties in the Downtown district. Transient residential (hotel and motel) shall be counted as non-residential development and subject to rules on FAR. **Density**: The permitted density is six (6) units per acre. b. COCONUT VILLAGE MIXED-USE (CV-MU) DISTRICT **Purpose:** 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. **Uses which may be permitted:** 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. **Intensity:** 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. **Density: T**he maximum density is six (6) dwelling units per acre.

			c. CENTER ISLAND MIXED-USE (CI-MU) DISTRICT **Purpose:** 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. **Uses which may be permitted:** 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. **Intensity:** 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. **Density: T**he maximum density is six (6) dwelling units per acre. d. THEATRE & ARTS MIXED-USE DISTRICT **Purpose:** 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. **Uses which may be permitted:** 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, 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.

			Intensity: 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. **Density:** The maximum density is six (6) dwelling units per acre. e. THE SANTINI VILLAGE MIXED-USE DISTRICT Purpose: 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 & 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. **Uses which may be permitted:** 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, subject to FEMA regulations. **Intensity:** 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. **Density:** The maximum density is six (6) dwelling units per acre.
POLICY 4-B-5	"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%.	POLICY ~~4-B-5~~ FLU-1-B-6	"BOULEVARD": a mixed-use district along portions of Estero Boulevard, including less intense commercial areas, traditionally comprised of 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%.~~ **Density:** 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.

POLICY 4-B-6	"PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including ld 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 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-6~~ FLU-1-B-7	"PEDESTRIAN COMMERCIAL": a primarily commercial district applied to the intense activity centers of Times Square (including Old 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 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 ~~4-B-7~~ FLU-1-B-8	"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.~~ 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.

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 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-8~~ FLU-1-B-9	"RECREATION AND OPEN SPACE": This designation provides for ~~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 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 ~~4-B-9~~ FLU-1-B-10	"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 ~~4-B-10~~ FLU-1-B-11	"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	~~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~~

	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.		~~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.~~
POLICY 4-B-12	LAND-USE TYPES DEFINED: For purposes of this comprehensive plan, land uses are divided into the following types: i. Residential uses include detached homes, accessory apartments (see Policy 4-C-7), home occupations (see Policy 4- B-3), mobile homes, apartments, and condominiums, provided that no dwellings are rented for periods shorter than one week. 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. 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. 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. v. Recreational uses include beaches, parks, playgrounds, and similar uses. 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.	POLICY ~~4-B-12~~ FLU-1-B-12	LAND-USE TYPES DEFINED: For purposes of this comprehensive plan, land uses are divided into the following types: i. Residential uses include detached homes, accessory apartments (see Policy 4-C-7), home occupations (see Policy 4- B-3), ~~mobile homes~~, assisted living facilities, apartments, live-work units, accessory dwelling units for commercial structures, and condominiums, provided that no dwellings are rented for periods shorter than one week. ii. Commercial uses involve the sale or rental of goods or services, including businesses such as art galleries, art/music/dance/theater studios, retail stores, offices (including medical and veterinary), urgent care facilities, restaurants/bars, service/craft/rental businesses, ~~RV parks~~, and hotels/motels/resorts; churches and civic buildings are also included in this category. iii. Marina uses involve the use of prime waterfront sites to support a mix of uses, including residential, commercial, recreational boating, such as wet or dry boat storage, sales/rentals of boats and supplies, and boat repair. 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. v. Recreational uses include beaches, parks, playgrounds, and similar uses. 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.
POLICY 4-B-13	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	POLICY ~~4-B-13~~ FLU-1-B-13	PUBLIC FACILITIES: ~~Most p~~ Public facilities such as parks, schools, libraries, fire stations, and government buildings ~~will~~ may ~~continue~~ be located within the “Recreation” category (but only non-habitable park structures are allowed seaward of the 1978 Coastal Construction

	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.		Control Line), and all mixed-use, commercial, and boulevard land use categories. ~~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.~~
POLICY 4-B-14	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 community centers are strongly encouraged to locate them near schools.	POLICY ~~4-B-14~~ FLU-1-B-14	SCHOOLS: Public and private schools may be located in 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 seaward of the 1978 coastal construction control line~~)~~ and compliant with Flood and other regulations as established by the Land Development Regulations. ~~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 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 ~~4-C~~ FLU-1-C	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 4-~~C-1~~ FLU-1-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 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	POLICY 4-~~C-2~~ FLU-1-C-2	COMMERCIAL INTENSITY: The maximum intensity of allowable commercial development in any category may be controlled by height and Floor to Area Ratio (FAR) 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 on properties with frontage on Estero Boulevard and only in the ~~"Pedestrian Commercial"~~ "Mixed-Use" and "Commercial" ~~category~~ categories. ~~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~~

	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,		~~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 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: i. No rezonings for commercial uses shall be allowed in the "Low Density" category. 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. iii. In the "Mixed Residential" category, commercial uses are limited to lower-impact uses such as offices, 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. 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. v. The following principles shall be considered by the town when evaluating requests for new commercial uses: a. Shopping and services for residents and overnight guests are strongly preferred over	POLICY 4~~-C-3~~ FLU-1-C-3	COMMERCIAL LOCATIONS: When evaluating proposals for new or expanded commercial uses in categories where they are permitted, the following principles shall apply: i. No rezonings for purely commercial uses shall be allowed in the "Low Density Residential" category. 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. iii. In the "Mixed Residential" category, commercial uses are limited to lower impact uses such as offices, 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, satisfy concurrency requirements for public facilities, and meet the design concepts of this plan and the Land Development Code. ~~Landowners may seek commercial rezoning only through the planned development process.~~ iv. In the "Boulevard" and "Mixed-Use" category, ~~where~~ mixed-use development including ~~some~~ commercial and residential uses ~~may be~~ are 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. ~~v. The following principles shall be considered by the town w~~When evaluating requests for new commercial uses~~:~~ shopping ~~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.~~

	shopping and services that will attract additional day visitors during peak-season congestion. b. Shopping and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access. 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: a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise); 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.		b. ~~Shopping~~ and services that contribute to the pedestrian character of the town are strongly preferred over buildings designed primarily for vehicular access. 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: a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise); 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.
POLICY 4-C-4	BUILDING HEIGHTS: 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 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	POLICY 4~~-C-4~~ FLU-1-C-4	BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to ~~two~~ three stories or 30 feet above flood elevation except where otherwise noted in this Comprehensive Plan 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 may encourage taller building heights in the mixed-use districts, if appropriate. 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. 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~~ three-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~~ three stories. The ground floor for

	each case, the town shall balance the public benefits of the height limit against other public benefits that would result from the specific proposal.		developments along the Gulf side of Estero Boulevard shall be encouraged to provide non-habitable uses that enhance the view corridors to the Gulf. 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.
POLICY 4-C-5	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 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-5~~ FLU-1-C-5	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 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	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	POLICY 4~~-C-6~~ FLU-1-C-6	~~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 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~~

	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).		~~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).~~
POLICY 4-C-7	ACCESSORY APARTMENTS: Accessory apartments are common at Fort Myers Beach and may be legal under several circumstances: i. If the apartment is in a building that meets all requirements (including density limits in this plan); or 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 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 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 conditions as specified in the Land Development Code.	POLICY 4~~-C-7~~ FLU-1-C-7	ACCESSORY DWELLING UNITS FOR RESIDENTIAL PROPERTIES ~~APARTMENTS~~: Accessory apartments ~~are common~~ provide an option for inclusive housing in ~~at~~ Fort Myers Beach ~~and may be legal under several circumstances~~.: For the purposes of density calculation, accessory dwelling units shall be counted as 0.5 units. ~~i. If the apartment is in a building that meets all requirements (including density limits in this plan); or~~ ~~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~~ ~~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~~ ~~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 conditions as specified in the Land Development Code.~~
NEW	NEW	POLICY FLU-1-C-8	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.
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: i. the transfer is clearly in the public interest, as determined by the Town Council; ii. the parcels affected by the transfer are in close proximity to each other;	POLICY 4~~-C-8~~ FLU-1-C-9	DENSITY TRANSFERS: The Town Council may, at its discretion, permit the transfer of residential and transient (including hotel/motel) development rights from one parcel to another if the following conditions are met: i. the transfer is clearly in the public interest, as determined by the Town Council; ~~ii. the parcels affected by the transfer are in close proximity to each other;~~

	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; iv. the transfer is approved through the planned development rezoning process; and v. binding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer.		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; iv. the transfer is approved through the planned development rezoning process; and 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.	POLICY 4~~-C-9~~ FLU-1-C-10	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.	POLICY 4~~-C-10~~ FLU-1-C-11	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. 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.	~~POLICY 4-C-11~~	~~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 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.~~
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 4~~-C-12~~ FLU-1-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).
OBJECTIVE 4-D	POST-DISASTER REDEVELOPMENT —Provide for the organized and healthy reconstruction of Fort	OBJECTIVE 4~~-D~~ FLU-1-D	POST-DISASTER REDEVELOPMENT —

	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.		Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of flood- proofing, 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: 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. 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: a. federal requirements for elevation above the l00-year flood level; b. any building code requirements for floodproofing; c. current building and life safety codes; d. Coastal Construction Control Line requirements; and 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. 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	POLICY 4~~-D-1~~ FLU-1-D-1	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: 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. ii. Buildings/development damaged more than 50% of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, and size~~, and style~~ provided the new construction complies with: a. federal requirements for elevation above the l00-year flood level; b. any building code requirements for floodproofing; c. current building and life safety codes; d. Coastal Construction Control Line requirements; and 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. 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

	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.		such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.
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 FLU-1-E	HAZARD MITIGATION — Mitigate the potential effects of storm surges, flooding, seal-level rise, coastal erosion, and 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.
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 level could be permitted in addition to the replacement of the pre-existing enclosed square footage.	POLICY 4~~-E-1~~ FLU-1-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. 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. ~~. 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-proofed commercial space at ground level could be permitted in addition to the replacement of the pre-existing enclosed square footage.~~
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	POLICY 4~~-E-2~~ FLU-1-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

	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.)		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: i. not counting costs of strengthening buildings as "improvements" that are limited to 50% of a building's value; and ii. minimizing the negative effects of the 50% rule on historic buildings; and iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan's "Pedestrian Commercial" category; and iv. providing reasonable alternatives for determining the value of older buildings.	POLICY 4~~-E-3~~ FLU-1-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 (NFIP). The town shall modify its current floodplain ordinance in accordance with this comprehensive plan through ~~measures such as:~~ means that encourage higher standards and strategies that will improve the Town's NFIP Community Rating System (CRS) rating and ensure availability of flood insurance and flood insurance premium discounts for residents. ~~i. not counting costs of strengthening buildings as "improvements" that are limited to 50% of a building's value; and~~ ~~ii. minimizing the negative effects of the 50% rule on historic buildings; and~~ ~~iii. adjusting the time period for calculating the 50% rule to encourage healthy redevelopment in this plan's "Pedestrian Commercial"~~ "Mixed-Use" ~~category; and~~ ~~iv. providing reasonable alternatives for determining the value of older buildings.~~
POLICY 4-E-4	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.	POLICY 4~~-E-3~~ FLU-1-E-3	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.
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	~~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.~~

	needed to avoid the loss of pedestrian activity near Times Square.		
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 ~~4-F~~ FLU-1-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 the proposed Arts and Theater district, 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 ~~4-F-1~~ FLU-1-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 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: 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. 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: a. buildings are brought closer to the street; 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);	POLICY ~~4-F-2~~ FLU-1-F-2	SPECIFIC REDEVELOPMENT PLANS: This comprehensive plan anticipates substantial redevelopment over the coming years. Specific concepts have been developed for ~~three specific areas~~ the Gulfview Colony/Red Coconut Village, and Santini Village. ~~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.~~ ~~ii. 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:~~ ~~a. buildings are brought closer to the street;~~ ~~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);~~ ~~c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and~~ ~~d. off-street loading areas are provided for delivery vehicles; This redevelopment plan can only be~~

	c. the shopping center is reconfigured with a central green plaza and better ties to the marina to the rear; and d. off-street loading areas are provided for delivery vehicles; 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. 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: 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); b. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes; c. low-rise townhouses or apartments allowed toward the center; d. walkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf; e. substantial open space with views to be maintained from Estero Boulevard to the Gulf; f. mixed commercial and residential uses along the Bay side of Estero Boulevard; g. quiet internal street connections to the north and south; 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; 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. 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.		~~accomplished through a public-private partnership as described in Community Design Policies 3-C-1 and 3-C-2.~~ ~~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: 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); b. detached houses or cottages (with optional accessory apartments) abutting existing single-family homes; c. low-rise townhouses or apartments allowed toward the center; d. walkable narrow streets with shade trees that double as view corridor to the Preserve and Gulf; e. substantial open space with views to be maintained from Estero Boulevard to the Gulf; f. mixed commercial and residential uses along the Bay side of Estero Boulevard; g. quiet internal street connections to the north and south; 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; 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. j. Floor area ratios shall not exceed 1.5. k. Residential density shall allow up to 15 dwelling units per acre for redevelopment in accordance with this section. 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.

NEW	NEW	POLICY FLU-1-F-3	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. The Town's Land Development Code provides the guidelines for additional building height and density.

Town of FMB: Community Design Element

EXISTING		PROPOSED	
GOAL 1	To continually improve the appearance and functioning of transportation corridors, commercial areas, and links to natural and recreational areas.	GOAL CD-1	GROWTH AND DEVELOPMENT Accommodate growth while preserving the island's beachfront character by providing an alternative growth pattern that addresses traffic congestion, promotes a compatible mix of uses and encourages a variety of housing types and affordability to rejuvenate the existing fabric of the community and community character.
OBJECTIVE 1-A	ESTERO BOULEVARD — Improve the functioning and appearance of Estero Boulevard as the premier public space and primary circulation route of Fort Myers Beach.	OBJECTIVE CD-1-A	NEIGHBORHOOD SERVING COMMERCIAL CORES Identify mixed-use commercial districts throughout the island that provide neighborhood serving commercial uses and lifestyle retail around clusters of residential uses.
POLICY 1-A-1	Changes along Estero Boulevard should im- prove on the characteristics that make it a boulevard in character and not just in name: safe and interesting to walk along, impressive landscaping, and scaled to people rather than high-speed traffic.	POLICY CD-1-A-1	MIX OF USES Provide a complementary mix of land uses with design characteristics that provide: i. Uses that meet the daily needs of residents ii. A variety of affordable housing types
POLICY 1-A-2	The town should develop a sidewalk and streetscape plan for all of Estero Boulevard that builds on the design theme of the 1997 improvements from Times Square and to the Lani Kai. This plan should recreate the historic "Avenue of Palms" concept by adding appropriate palm trees such as coconuts on both sides between the sidewalk and new curbs. This plan should also address related needs such as parking and trolley pull-offs, and should be sufficiently detailed to estimate costs and suggest potential phases of construction. Priorities should include positive impacts on: i. stimulating revitalization consistent with the town's overall vision in this comprehensive plan ii. completing pedestrian and bike path linkages from one end of the island to the other; iii. managing traffic flow; iv. improving pedestrian crossings; including push button (demand) lights; textured materials to emphasize crossings to drivers; and covered seating areas and other "oasis" amenities at trolley stops and beach accesses;	POLICY CD-1-A-2	CREATE THE TIMES SQUARE MIXED-USE DISTRICT. The Times Square Mixed-Use District is the main tourist/entertainment district which will accommodate the most growth in terms of height and density with a predominance of residential uses on the east side of Estero Boulevard and hotel lodging and commercial uses on the west side. It is the main gateway to the island. Entertainment and tourist supporting commercial uses should be clustered here to reduce the need to drive throughout the island and to encourage walking.

	v. lowering construction and maintenance costs from the original design; vi. correcting drainage problems; vii. coordinating with utility undergrounding; and viii. working within new and available sources of funds. After completing that plan, the town shall establish a phased schedule of capital improvements to complete this network.		
POLICY 1-A-3	In commercial and mixed-use areas, the town shall identify specific portions of Estero Boulevard where changes in land development regulations could work towards a more coherent "framing" of the Boulevard. New regulations should accomplish the following design goals over time through infill and redevelopment: i. bringing buildings closer to the side- walk; ii. encouraging or requiring compatible means of meeting the mandatory flood elevation requirements (for example; using dry-floodproofing techniques, or designs such as the old hardware store which is built close to the street with outside steps up, but with added steps up inside to reach the flood elevation); iii. locating most parking to the rear of buildings, limiting curb cuts, and promoting shared parking areas; iv. facilitating pedestrian and bicycle access and contributing to the interconnected- ness of the circulation system; v. adopting design guidelines that encourage architecture and urbanism along Estero Boulevard that contributes to the human scale and "beach cottage character" (such as the Huston Studio or Hussey tourist information center).	Policy CD-1-A-3	CREATE THE COCONUT VILLAGE MIXED-USE DISTRICT Coconut Village Mixed-Use District is a commercial district with residential on the east side of Estero Boulevard and commercial on the west. A strong mixed-use core is envisioned on the east side of Estero Boulevard as a redevelopment site. The core will support a mix of housing options and neighborhood serving retail uses for the immediate residential cluster.
OBJECTIVE 1-B	OTHER PUBLIC SPACES — Beautify public spaces throughout the island.	POLICY CD-1-A-4	CREATE THE PUBLIX MIXED-USE DISTRICT The Publix Mixed-Use District will support the nearby marina uses and provide lifestyle retail uses like cafes with outdoor dining and neighborhood serving retail for the surrounding residential neighborhood.
POLICY 1-B-1	Create Estero Boulevard gateways or entry features at the south end near Big Carlos Pass and near the touchdown of the Matanzas Pass bridge.	POLICY CD-1-A-5	CREATE THE THEATRE & ARTS MIXED-USE DISTRICT The Theatre & Arts Mixed- Use District is envisioned with arts and theatre related uses like cafes, art galleries, art studios,

			and restaurants. Existing views to the water here should be preserved.
POLICY 1-B-2	Improve the appearance of the town throughout by landscaping public property and rights-of-way with native vegetation.	POLICY CD-1-A-6	CREATE THE SANTINI VILLAGE MIXED-USE DISTRICT Santini Village Mixed-Use District is the tallest and most dense district on the island with tourist supporting uses and commercial. It is also envisioned as a redevelopment opportunity with more entertainment, tourist and neighborhood commercial uses as the southern gateway to the island.
POLICY 1-B-3	Identify potential mechanisms to implement and maintain special amenities such as entry features, monuments, or other special land- scape projects.	OBJECTIVE CD-1-B	TRANSITION ZONES AND CONSERVATION DISTRICTS Create language to prevent commercial intrusion into the residential neighborhoods by providing transitions from commercial to residential uses. Use Conservation Districts to maintain the scale, massing and character of Fort Myers Beach and new construction.
POLICY 1-B-4	Monitor the effectiveness of the county's pro- gram for removing trash and debris from the beachfront and Bay accesses.	POLICY CD-1-B-1	TRANSITION ZONES New development on properties abutting single family homes and one and two story multi-family homes shall provide a building profile that matches the height of the abutting property for a depth of fifty (50) feet to create a transition in height.
POLICY 1-B-5	Develop a program for placing utilities underground that addresses both public and private sector development.	POLICY CD-1-B-2	CREATE CONSERVATION DISTRICTS Develop specific standards for the Conservation District. Use Conservation Districts to maintain the scale, massing and character of Fort Myers Beach and new construction. New buildings and additions should match the height and bulk of existing building form, with architectural treatments and building articulation that are consistent with the existing building vernacular.
POLICY 1-B-6	Conduct regular and adequate street cleaning (sweeping or vacuuming) throughout the town. Evaluate effective methods to keep streets and drainage systems clean despite the abundance of blown sand and the absence of curbs.	OBJECTIVE CD-1-C	Workforce Housing Through Density and Height Bonus
GOAL 2	To upgrade residential neighbor- hoods throughout Estero Island.	POLICY CD-1-C-1	Each of the mixed-use districts shall provide for additional bonus height for developments that provide a workforce housing component.
OBJECTIVE 2-A	HIDDEN PATHS — Create an additional interconnected system of pedestrian and bicycle pathways throughout the island to improve mobility and promote community inter- action.	POLICY CD-1-C-2	The Town shall determine the minimum requirements for the workforce housing component as a policy in the land development regulations.
POLICY 2-A-1	The town should encourage a community- sponsored program to identify and build a system of existing and potential "hidden paths" parallel to but behind Estero Boulevard. A local foundation or community land trust	OBJECTIVE CD-1-D	MASTER PLANNED DEVELOPMENT Provide mechanisms to incentivize master planning large parcels and land assemblies for mixed-use development.

	could identify and acquire existing vacant lots or easements to gradually complete the network. These parcels could be transferred back to the town for long-term maintenance.		
POLICY 2-A-2	The town shall adopt changes to the land development regulations to allow small portions of existing lots to become a part of the hidden-path network without diminishing future uses of those lots.	POLICY CD-1-D-1	The Town may consider and approve requests for Master Planned Developments. Assembled parcels that exceed four (4) acres can be master planned such that the applicant can propose new building scale, massing and uses from the underlying zoning.
POLICY 2-A-3	The town shall ensure coordination between efforts to develop this hidden-path network and its new streetscape plan for Estero Boulevard.	POLICY CD-1-D-2	Assembled parcels that exceed seven (7) acres must have a workforce housing and housing component to enjoy the benefits of changing the underlying zoning to be determined by the Town.
OBJECTIVE 2-B	SIDE STREETS — Encourage residents to achieve a higher ambition for their residential streets, improving their walkability, comfort, beauty, inter- connectedness, and safety.	POLICY CD-1-D-3	Assembled parcels that exceed seven (7) acres must provide a master plan for approval by the Town at a public hearing.
POLICY 2-B-1	The town strongly supports the planting of regularly spaced street trees in public rights- of-way on residential streets. The selection of specific trees shall be guided by public input and the following criteria: i. amount of shade provided, especially during the summer months; ii. the amount of water and other regular maintenance that will be required (such as types of leaves, fronds, and fruit); iii. potential damage from extensive root systems or other characteristics of spe- cific trees; iv. variety and beauty, including flowering characteristics; v. the potential for wildlife utilization; vi. a strong preference for native trees such as live oak, gumbo limbo, sea grape, cabbage palm, mastic, Jamaica dog- wood, mahogany, black olive, strangler fig, pigeon plum, and buttonwood; and vii. a prohibition on the use of invasive trees such as Australian pine, Brazilian pep- per, melaleuca, and Java plum.	OBJECTIVE CD-1-E	PRESERVING BUILDING SCALE BY ADAPTIVE REUSE OF EXISTING BUILDING STOCK Encourage conversions from vacation rentals and motels to condominiums to provide affordable housing options for Fort Meyers Beach's workforce.
POLICY 2-B-2	The town should develop a residential streets program that provides guidelines and technical assistance to neighborhoods that wish to improve their public spaces as civic projects. The program could include the following elements:	POLICY CD-1-E-1	ADAPTIVE REUSE Encourage the adaptive reuse of existing structures located within mixed-use and commercial land use designations, particularly those that were originally established as motels or vacation rentals are over 50 years old, by providing

	i. assistance in developing a workable approach on a street-by-street basis, consistent with the island-wide concept; ii. volunteer local arborists to provide specific advice and technical assistance; iii. assistance in preparing a planting plan for street trees; iv. financial assistance for planting street trees; v. a booklet describing the characteristics of desirable street trees for Fort Myers Beach; vi. a guidebook for tree planting, irrigation, and pruning methods; vii. a plan for short- and long-term maintenance of planted areas and street trees; viii. a current list of contact persons and a description of the process for requesting street repairs and maintenance and for reporting code violations; and ix. information on how to form a street lighting district.		incentives, such as relief in the Land Development Regulations, grants to facilitate retrofitting or rehabilitation, etc.
GOAL 3	To revitalize and improve specific transitional neighborhoods.	POLICY CD-1-E-2	INCENTIVES FOR ADAPTIVE REUSE Develop an incentives package in the Land Development Regulations that encourage adaptive reuse of motels and vacation rentals to convert to condominiums to maintain the historic character and development pattern over time.
OBJECTIVE 3-A	HEART OF THE ISLAND — Redevelop the School/Library/Bay Oaks area as the new “heart of the island.”	OBJECTIVE CD-1-F	STREET FRONTAGES AND PARKING LOTS Develop policies to limit parking lots fronting main streets in the Land Development Regulations.
POLICY 3-A-1	The complex of civic activities in the Bay Oaks area is a key community asset. Its access and significance would be enhanced by creating a main entryway; School Street could become a walkable palm-lined street of restored and infill cottages that announce the entry to this center of civic activity.	POLICY CD-1-F-1	RESTRICTING PARKING AS A PRIMARY USE ON ESTERO BOULEVARD Parking lots shall not be permitted as a primary use on Estero Boulevard.
POLICY 3-A-2	A prominent civic structure benefits the com- munity most when its location serves the public conveniently and when its design helps shape the surrounding public spaces and provides a new and symbolic vista from other public places.	POLICY CD-1-F-2	RESTRICTING PARKING FRONTAGE LENGTH ON ESTERO BOULEVARD Parking lot frontages shall be limited in size to one fourth the lot width on Estero Boulevard.
POLICY 3-A-3	If the town ever decides to build a Town Hall rather than renting office space, a new building, even if modest in size, should help complete a center of public activity and should be visually prominent as a showcase of urban design.	POLICY CD-1-F-3	PARKING STANDARDS FOR NEW DEVELOPMENT IN MIXED-USE COMMERCIAL DISTRICTS Within the Mixed-Use Commercial Districts, new development shall locate and design off-street parking areas in a manner that does not detract from the character by providing standards in the Land Development Regulations,

			such as locating parking to rear of buildings, limiting curb cuts, and landscaping and façade requirements.
POLICY 3 A-4	A "heart of the island" plan should be pre- pared to coordinate the public and private actions needed to fully implement this concept, including identifying the sequence of actions, responsibilities for implementation, and potential funding sources. Initial actions should include: i. develop a design concept consistent with the new streetscape plan for Estero Boulevard, identifying approximate costs, potential funding sources, and suggested phasing; ii. refine regulations that would allow a compatible mix of uses such as residential, live-work spaces such as studios or galleries, and small-scale specialty retail uses consistent with the historic theme, including eased setback and parking regulations to accommodate the unique needs of renovations of existing and move-on cottages; and iii. prepare architectural guidelines for cottage renovations and for infill development.	POLICY CD-1-F-4	PARKING STANDARDS IN TIMES SQUARE Improve the current parking situation near Times Square through the means outlined in the Transportation Element of this plan.
POLICY 3-A-5	Provide in the new Land Development Code a pre-approved option for the future redevelopment of the Red Coconut/Gulfview Colony properties consistent with the town's vision of traditional neighborhoods — neighbor-hoods that recreate a small-town feel; which are pedestrian and bicycle friendly with an internal circulation system that makes it possible to walk or bicycle to schools and services without always using Estero Boulevard; which retain the psychological connection and views to both the Bay and the beach; and which offer a variety of housing types and opportunity for mixed uses.	POLICY CD-1-F-5	PARKING SUPPLY Evaluate parking supply needs by conducting a parking supply study and determine parking solutions including shared parking, structured parking that meets the character of the Island and parking management practices like centralized parking and offsite parking for employees.
POLICY 3-A-6	In accordance with Policies 4-E-1 and 4-F-2 of the Future Land Use Element, evaluate any alternative redevelopment concepts for any portion of the Gulfview Colony/ Red Coconut properties as to the following design principles: i. retains and/or creates water views through street layout, site design, and architectural design; ii. provides a variety of housing types rather than uniformity;	OBJECTIVE CD-1-G	DESIGN STANDARDS FOR PRESERVING BEACHFRONT CHARACTER Develop building design standards to preserve and enhance the existing beachfront character.

	iii. locates the more durable housing types and mix of uses along the Bay side of Estero Boulevard; iv. new streets create a highly connected network which includes mid-block paths or alleys; v. streets have sidewalks and street trees; vi. local streets are interconnected from Donora and Shell Mound through to the north.		
OBJECTIVE 3-B	NEAR-TOWN NEIGHBORHOODS — Revitalize older residential areas using traditional neighborhood techniques for renovations and infill.	POLICY CD-1-G-1	NEIGHBORHOODS AND MIXED-USE DISTRICTS Maintain design standards in the Land Development Regulations for neighborhoods and districts which protect and enhance their unique character through building setbacks, building footprint, massing and scale. These can be enhanced through Conservation District language to protect the Fort Meyers Beach building vernacular and encourage adaptive reuse for motels and vacation rentals.
POLICY 3-B-1	The town shall prepare and adopt land development regulations to apply to the older "near-town neighborhoods" that will encourage renovations and compatible infill development, using the following types of techniques: i. modifying lot size, setback, and parking requirements where the current regulations hinder redevelopment; ii. adding design guidelines to encourage front porches, decks, and other elements from the cottage design tradition to help frame public spaces and define private areas; iii. modifying permitted uses to accommodate quiet home offices and possibly other mixed uses; iv. modifying current limitations on the number of guests and/or length of stays to protect residential areas from excessive intrusion by poorly regulated short- term rentals.	POLICY CD-1-G-2	ESTERO BOULEVARD Continue to make improvements to Estero Boulevard in terms of the eclectic character of building design with incentives in the Land Development Regulations.
OBJECTIVE 3-C	SANTINI "MAIN STREET" — Redevelop the Villa Santini Plaza and its environs as a "Main Street" town center for the south end of the island.	POLICY CD-1-G-3	GUIDELINES FOR BUILDING COMPATIBILITY WITH FLOOD REGULATIONS Encourage or require compatible means of meeting the mandatory flood elevation requirements (for example, using dry-floodproofing techniques, having maximum allowable floor to ceiling height that match adjacent structures especially for buildings that need to be elevated at grade level and using gradual inclines for grade changes on commercial properties.

POLICY 3-C-1	The town wishes to convert, over time, the existing Villa Santini Plaza and surrounding land from its current configuration of auto- oriented commercial uses. The desired plan would create a new "Main Street" shopping and civic center to serve residents of the south end of Estero Island and visitors to the state park on Black Island and Lovers Key (see Policy 4-F-2(ii) of the Future Land Use Element). To accomplish this goal, the town wishes to structure a public/private partner- ship agreement that provides for the following: i. outlines the public improvements necessary to implement the concept, and identifies the agencies and entities in- volved and their respective roles; ii. provides the town's design criteria to guide the preparation of the development plan by the property owners; and iii. sets forth the process for the partner- ship, identifies responsibilities, areas of commitment, timing and process, order of magnitude costs, fiscal impacts/bene- fits, and any reimbursements.	GOAL CD-2	COMMUNITY CHARACTER OF PUBLIC SPACES Improve the physical appearance of the island's public spaces, paths, streets and streetscape to achieve a unified small town character which balances the needs of both residents and tourists.
POLICY 3-C-2	The town shall adopt new development regulations for this area to bring about the desired redevelopment pattern in the Villa Santini area. Along the nearby section of Estero Boulevard, buildings being constructed or renovated shall extend closer to the street and provide front access to pedestrians and on-street parking. Internal site layouts shall be reconfigured to accommodate a central green/plaza area for overflow parking and a trolley transfer point generally consistent with the 1997 design concept pre- pared by Dover, Kohl & Partners.	OBJECTIVE CD-2-A	PUBLIC SPACES AND VIEWS TO THE WATER Use urban design standards to reinforce walkable streets, public and private spaces and a sense of community through the public realm.
OBJECTIVE 3-D	TIMES SQUARE — Stimulate the revitalization of the downtown core area (near Times Square) as the nucleus of commercial and tourist activities.	POLICY CD-2-A-2	OPEN SPACE AND LAND USE Beautify public spaces throughout the island and preserve and protect natural areas that serve and benefit the public.
POLICY 3-D-1	The town shall create a Downtown Redevelopment Agency to assist the Main Street pro- gram in revitalizing downtown as a lively, inviting, comfortable, and safe public environment.	POLICY CD-2-A-3	VIEW CORRIDORS Maintain existing public rights-of-way that provide view corridors to water bodies and, whenever possible, provide features such as benches, landscaping, and trash receptacles to enhance the areas as pocket parks, and develop a process and criteria for identifying specific scenic resources, view corridors, and vistas that should be preserved or enhanced as new development and redevelopment occurs.

POLICY 3-D-2	Downtown revitalization shall be based on the concepts in the Core Area Master Plan prepared for the Estero Island CRA Commit- tee in 1993-94, as refined during the continuing implementation of that plan. Those concepts are summarized in the following policies.	POLICY CD-2-A-4	ENTRY GATEWAYS Create Estero Boulevard gateways or entry features at the south end near Big Carlos Pass and near the touchdown of the Matanzas Pass bridge.
POLICY 3-D-3	Continue with sidewalk improvements: i. Standard sidewalk widths should be pro- vided by the public sector and/or private developers in each development project as it is implemented. Consider a program for private sidewalk reservation through dedication or easement, particularly along Old San Carlos. ii. Use selected materials in public rights- of- way and private property improvements adjacent to sidewalks, such as in plazas or building setbacks. iii. Provide special design treatment (e.g. continuation of sidewalk paving patterns) at major intersections of the primary pedestrian streets to create a visual link and distinguish the pedestrian surface from the vehicular right-of- way.	OBJECTIVE CD-2-B	STREETSCAPE Enhance the existing paths and sidewalks and streetscape to foster a more appealing environment for walking and biking.
POLICY 3-D-4	Implement the pedestrian circulation plan: i. Complete the Bay-side sidewalk and streetscape improvements for Estero Boulevard within the Core area with underground utilities and improved sidewalks. ii. Construct sidewalks (5' wide minimum sidewalk) along all streets in the Core Area. iii. Provide a bike path along Estero Boule- vard utilizing Crescent Street to Third Street across to Old San Carlos and then connecting back to Estero Boulevard and north to Bowditch Point. iv. Promote the function of Old San Carlos as a pedestrian spine linking Times Square and the marina by implementing public sidewalks and major crosswalks designed to work in conjunction with arcades or plazas located on private property. v. Work with the private sector to establish a site for a new public pedestrian plaza at the east of Old San Carlos.	POLICY CD-2-B-1	COMMERCIAL STREETSCAPE Improve the appearance of the town throughout by developing land development regulations for landscaping public property and rights-of-way with native vegetation and ensuring sidewalks are six feet wide in residential zones and up to twelve feet wide in mixed-use commercial districts.

	vi. Provide new on-street parking and side- walk on the south side of Crescent Street. vii. Reconfigure Third and Fourth Streets with on-street parking and sidewalks on both sides of the street. viii. Coordinate all proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.		
POLICY 3-D-5	Improve the current parking situation near Times Square through the means outlined in the Transportation Element of this plan. Suggestions from the Core Area Master Plan include: i. Implement parking management practices that create a positive experience for visitors and business operations. ii. Encourage the private sector to build and operate expanded parking areas, using public sector assistance if needed for land assembly and regulatory relief. iii. Expand the supply of shared on-street parking with 165 new parallel and angled spaces. iv. If the new supply of parking will be in-adequate and a parking garage must be built, appropriate locations would be to the rear of new storefronts facing Old San Carlos.	POLICY CD-2-B-2	LANDSCAPE FEATURES Identify potential mechanisms to implement and maintain special amenities such as entry features, monuments, or other special landscape projects through a formal landscape planning process.
POLICY 3-D-6	Design and construct streetscape improvements for Old San Carlos, Crescent Street, Center Street, and First through Fifth Street. These include on-street parking, new side- walks, buried utilities, and landscaping.	POLICY CD-2-B-3	STREET CROSSINGS Improve pedestrian crossings; including push button (demand) lights; textured materials to emphasize crossings to drivers; and covered seating areas and other “oasis” amenities at trolley stops and beach accesses that are consistent with the Manual of Uniform Traffic Control Devices and the Florida Design Manual as applicable.
POLICY 3-D-7	Continue to implement the stormwater management plan (an exfiltration system that integrates the existing storm sewer pipe system and inlets with exfiltration trenches un-der Estero Boulevard). Similar systems can be installed for private development under parking lots or open space.	POLICY CD-2-B-4	RESIDENTIAL STREETSCAPE Develop a landscape plan in the Land Development Regulations for residential streets. The plan should consider regularly spaced street trees in public rights-of-way on residential streets which provide adequate shade, color and interest, are low maintenance, with root systems that will not damage sidewalks, accommodate wildlife, are non-invasive.
POLICY 3-D-8	Provide technical assistance regarding dry flood proofing methods and design to individuals seeking to develop or improve their properties.	POLICY CD-2-B-5:	RESIDENTIAL STREET PROGRAM The town should develop a residential streets program to implement the landscape plan. The Program can provide:

			i. assistance in developing a workable approach on a street-by-street basis, consistent with the island-wide concept. ii. volunteer local arborists to provide specific advice and technical assistance. iii. financial assistance for planting trees. iv. a booklet describing the characteristics of desirable street trees for Fort Myers Beach. v. a guidebook for tree planting, irrigation, and pruning methods. vi. a plan for short- and long-term maintenance of planted areas and street trees.
POLICY 3-D-9	Enhance Lynn Hall Park with continuing beach renourishment, beach volleyball areas, and possibly a performance pavilion (in the southeast corner of the park next to Times Square). Include a pedestrian path linking the beach and the northern portion of Estero Boulevard.	GOAL CD-3	CONNECTIVITY AND MOBILITY TO REDUCE TRAFFIC IMPACTS Plan for interconnected streets and pedestrian paths that connect to mixed-use commercial districts to enhance mobility options.
		OBJECTIVE CD-3-A	COMPLETE STREETS AND BICYCLE INFRASTRUCTURE Provide for comfortable streets, street grid and interconnected paths that includes designated spaces for walking, biking, cars and transit that seamlessly connect to mixed-use commercial districts.
		POLICY CD-3-A-1	INTERCONNECTED PATHS Create an additional interconnected system of pedestrian and bicycle pathways throughout the island to improve mobility and promote community interaction that connects to mixed-use commercial districts behind Estero Boulevard.
		POLICY CD-3-A-2	STREET CONNECTIVITY Preserve, enhance, and provide connectivity for the downtown character and neighborhoods while fostering complete streets initiatives. Maintain and enhance the tightly gridded, interconnected street network that facilitates the dispersal of traffic and contributes to the character of Fort Myers Beach.
		POLICY CD-3-A-3	MAINTAIN PEDESTRIAN CIRCULATION Maintain the pedestrian circulation plan: i. Bayside sidewalk and streetscape improvements for Estero Boulevard within the Core area with underground utilities and improved sidewalks. ii. Sidewalks (5' wide minimum sidewalk) along all streets in the Core Area.

			iii. Bike path along Estero Boulevard utilizing Crescent Street to Third Street across to Old San Carlos and then connecting back to Estero Boulevard and north to Bowditch Point. iv. Old San Carlos as a pedestrian spine linking Times Square and the marina by implementing public sidewalks and major crosswalks designed to work in conjunction with arcades or plazas located on private property. v. A new public pedestrian plaza at the east of Old San Carlos. vi. New on-street parking and side- walk on the south side of Crescent Street. vii. Third and Fourth Streets with on-street parking and sidewalks on both sides of the street. Proposed improvements with the pedestrian, parking, mass transit, and traffic circulation concepts in the Transportation Element of this plan.

Town of FMB: Housing Element

EXISTING		PROPOSED	
GOAL 12:	To keep a wide variety of housing types available to people at all stages of their lives.	GOAL ~~12~~ HOU-1	~~To keep a wide variety of housing types available to people at all stages of their lives.~~ Ensure adequate levels of attainable housing within Fort Myers Beach for residents of all ages.
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 ~~12-A~~ HOU-1-A	GENERAL HOUSING STRATEGIES — ~~Maintain or increase 1997 federal/state funding levels for affordable housing; m~~ 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: i. Provide liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources; ii. Encourage a variety of housing types and cost ranges through flexible provisions in the Land Development Code (see Policy 12-C-1); 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; iv. Implement an incentive-driven regulatory system and the town's new policy regarding accessory apartments (see Policy 4-C-7); v. Promote revitalization of existing housing including historic structures (see specific programs in the Historic Preservation Element); and vi. Assist service workers to find suitable housing on the island.	POLICY ~~12-A-1~~ HOU-1-A-1	The town shall pursue the following affordable housing strategies: i. Provide liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources; ii. Encourage a variety of housing types and cost ranges through flexible provisions in the Land Development Code, including accessory dwelling units in single family residential areas ~~(see Policy 12-C-1)~~; 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; iv. Implement an incentive-driven regulatory system ~~and the town's new policy regarding~~ create and maintain policies on accessory apartments, pathways for hotel to condo conversions, and single family to duplex, triplex, and quadruplex as appropriate ~~(see Policy 4-C-7)~~; v. 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 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; vi. Promote revitalization of existing housing including historic structures (see specific programs in the Historic Preservation Element); and vii. Assist service workers to find suitable housing on the island.
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 ~~12-A-2~~ HOU-1-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 12-A-3	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. 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. 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. 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.	POLICY ~~12-A-3~~ HOU-1-A-3	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. 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.~~ 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. 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.

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 ~~12-A-4~~ HOU-1-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.~~ New housing shall be built to comply with the applicable Florida Building Code and FEMA standards.
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.	~~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.~~
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 ~~12-A-6~~ HOU-1-A-5	The town shall update this element using a state-approved methodology after census data for the year ~~2000~~ 2020 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 ~~12-B~~ HOU-1-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.
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 yearround occupancy for persons who wish to live or work downtown, through: i. The regulatory framework and incentives provided through the redevelopment overlay zone; 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. iii. Other measures to encourage residential uses over retail throughout the downtown area.	POLICY ~~12-B-1~~ HOU-1-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: ~~i. The regulatory framework and incentives provided through the redevelopment overlay zone;~~ 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. iii. Other measures to encourage residential uses ~~over~~ along with retail throughout the downtown area.

POLICY 12-B-2	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. 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. ii. Provide architectural and design guidelines which illustrate cost-effective rehabilitation techniques consistent with the historic theme. iii. In partnership with the Estero Island Historic Society, seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.	POLICY ~~12-B-2~~ HOU-1-B-2	HEART OF THE ISLAND – CIVIC CENTER — Promote the revitalization of the area ~~School Street (see Community Design Policy 3-A-4)~~ as a walkable palm-lined street of restored and infill cottages for residential use, housing to age in place, 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. 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. ii. Provide architectural and design guidelines which illustrate cost-effective rehabilitation techniques consistent with the historic theme. iii. ~~In partnership with the Estero Island Historic Society,~~ Seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.
POLICY 12-B-3	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.	POLICY ~~12-B-3~~ HOU-1-B-3	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~~ mixed-use neighborhood with a variety of housing types.
POLICY 12-B-4	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: i. Modify current regulations that have proven to be barriers to redevelopment. ii. Encourage the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety. iii. Permit quiet home offices (and possibly other mixed uses as determined appropriate). iv. Protect residential areas from intrusion by poorly regulated shortterm rentals. v. Provide access to federal and state housing programs available to income qualifying owners through Lee County's programs.	POLICY ~~12-B-4~~ HOU-1-B-4	~~NEAR-TOWN~~ NEIGHBORHOOD~~S~~ PRESERVATION — Revitalize the older ~~near-town~~ residential areas using ~~traditional neighborhood~~ smart-growth techniques for renovations and infill ~~(see Community Design Policy 3-B-1)~~, using methods such as: i. Modify current regulations that have proven to be barriers to redevelopment. ii. Encourage the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety. iii. Permit quiet home offices (and possibly other mixed uses as determined appropriate). iv. Protect residential areas from intrusion by poorly regulated short-term rentals. v. Provide access to federal and state housing programs available to income- qualifying owners through Lee County's programs.

			vi. Promote compact, walkable, neighborhoods that serve the diverse needs of both visitors and residents. vii. 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.
OBJECTIVE 12-C	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.	OBJECTIVE ~~12-C~~ HOU-1-C	REVISE THE CURRENT REGULATORY SYSTEM — ~~Complete a thorough revision of t~~ The town's land development regulations ~~by the end of 1999 to~~ shall provide clear and consistent rules for housing development and redevelopment.
POLICY 12-C-1	The town's zoning and development regulations shall allow a variety of lot sizes, densities, and housing types.	POLICY ~~12-C-1~~ HOU-1-C-1	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 ~~12-C-2~~ HOU-1-C-2	~~Implement t~~ The town's land development code ~~new policy on~~ shall provide for attached and detached accessory dwelling units ~~apartments~~ in residential neighborhoods and include standards by which to measure compliance. 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.
POLICY 12-C-3	Adopt the Standard Existing Buildings Code by 1999 (see Historic Preservation Policy 13-B-6).	POLICY ~~12-C-3~~ HOU-1-C-3	~~Adopt~~ Update/Revise the Standard Existing Buildings Code ~~by 1999 (see Historic Preservation Policy 13-B-6).~~
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 ~~12-C-4~~ HOU-1-C-4	The land development regulations shall include measures for ~~to implement Chapter 419 F.S. about~~ 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: i. adjusting impact fee schedules so that small units or housing designed for island employees would pay less than larger housing units; 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;	POLICY ~~12-C-5~~ HOU-1-C-5	~~12-C-5~~ Consider (and implement as feasible) various methods to reduce the cost of constructing or rehabilitating housing, such as: i. adjusting impact fee schedules so that small units or affordable or workforce housing ~~designed for island employees~~ would pay less than larger housing units; ~~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~~

	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 iv. relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.		~~disaster occurs using low-interest loans or grants;~~ iii. ~~considering~~ Utilize a bonus system land with mixed-use designation to allow densities above what is normally allowed if reserved for housing in a price range affordable by low- or moderate-income residents; or ~~iv. relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.~~ v. Expediting permitting and reduction of permitting fees
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 ~~12-D~~ HOU-1-D	HISTORICALLY SIGNIFICANT HOUSING — Retain ~~at least 90% of~~ the town's historically significant housing where appropriate 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 ~~12-D-1~~ HOU-1-D-1	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 ~~12-D-2~~ HOU-1-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 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 ~~12-D-3~~ HOU-1-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.
NEW	NEW	OBJECTIVE HOU-1-E	HOUSING AFFORDABILITY AND ATTAINABILITY -- The Town shall evaluate current programs to incentivize the construction and development of affordable housing.
NEW	NEW	POLICY HOU-1-E-1	The Town will implement an inclusionary zoning ordinance to encourage construction of affordable housing with new residential construction in its designed activity centers.

NEW	NEW	POLICY HOU-1-E-2	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: • Temporary decreases in property tax assessment • Density bonuses • Tax increment financing (TIF) • Municipal land agreements (land banking and land swapping or conveyance, or rental of land) • Application fee reductions • Other financing that incentivizes the development of affordable and workforce housing
NEW	NEW	POLICY HOU-1-E-3	The Town shall expedite the processing of building permits for Affordable, Attainable and Workforce Housing Units.
NEW	NEW	POLICY HOU-1-E-4	The Town shall allow reduced parking requirements for affordable and workforce housing.
NEW	NEW	POLICY HOU-1-E-5	The Town shall consider the creation of pre-approved designs for workforce housing in order to reduce development costs for such developments.
NEW	NEW	POLICY HOU-1-E-6	The Town shall continue to maintain an inventory of Town owned property available for use as affordable housing as required by Florida Statutes.
NEW	NEW	POLICY HOU-1-E-7	The Town shall pursue partnerships with private and public sector partners to acquire vacant parcels and construct new single-family homes for very-low- income, and low-income households that are first-time home buyers.
NEW	NEW	POLICY HOU-1-E-8	The Town will consider assembling city-owned vacant lots or the development of a community land trust for affordable housing development.
NEW	NEW	POLICY HOU-1-E-9	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.
NEW	NEW	POLICY HOU-1-E-10	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.
NEW	NEW	POLICY HOU-1-E-11	The Town shall consider incorporating into its code workforce dwelling bonuses for development of auxiliary dwellings, residential dwellings in commercial spaces, and for affordable and workforce housing in commercial zones of the Town.
NEW	NEW	POLICY HOU-1-E-12	The Town shall consider incorporating into its land development regulations provisions for conversion of underutilized 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 code by 2025.

~~Strikethrough~~: Text to be removed.
Underline: Text to be added.

Town of FMB: HISTORIC PRESERVATION (HP)

EXISTING		PROPOSED	
GOAL 13	To maintain “the best of the old” when redeveloping our community by appreciating, protecting, and promoting the historic resources of Fort Myers Beach. To provide stewardship of the legacy of our predecessors, cultivating our understanding of the past as a means of sustaining our future.	GOAL ~~13~~ HP-1	~~To maintain “the best of the old” when redeveloping our community by appreciating, protecting, and promoting the historic resources of Fort Myers Beach. To provide stewardship of the legacy of our predecessors, cultivating our understanding of the past as a means of sustaining our future~~. Create a lasting heritage as the foundation of the town’s historic preservation with key principals: environmental resources, character, sustainability, and preservation maintenance to protect for future generations.
OBJECTIVE 13-F	GENERAL STRATEGIES — Begin in 1999 to develop programs to aggressively identify, document, and evaluate historic and archaeological resources in and around the Town of Fort Myers Beach in order to encourage their long-term protection.	OBJECTIVE ~~13-F~~ HP-1-A	~~GENERAL STRATEGIES — Begin in 1999 to develop programs to aggressively identify, document, and evaluate historic and archaeological resources in and around the Town of Fort Myers Beach in order to encourage their long-term protection.~~ IDENTIFY AND EVALUATE HISTORIC RESOURCES Identify historic resources to help protect the town’s heritage and to coincide with its Land Development Regulations of historically significant structures.
POLICY 13-F-1	In 1999 the town shall convene an ad hoc historic working group to develop programs, organize volunteers, and make recommendations to the LPA and Town Council relating to Policies 13-A-2, 13-A-3, 13-A-5, 13-B- 1, 13-B-3, 13-B-6, and 13-C-3. This group shall include representatives of the Estero Island Historic Society, the LPA, the Lee County Planning Division, and others with expertise in archaeology, history, and/or construction.	POLICY ~~13-F-1~~ HP-1-A-1	~~In 1999 the town shall convene an ad hoc historic working group to develop programs, organize volunteers, and make recommendations to the LPA and Town Council relating to Policies 13-A-2, 13-A-3, 13-A-5, 13-B- 1, 13-B-3, 13-B-6, and 13-C-3. This group shall include representatives of the Estero Island Historic Society, the LPA, the Lee County Planning Division, and others with expertise in archaeology, history, and/or construction.~~ HISTORIC RESOURCE MAP The Town will continue to maintain and regularly update a historic resources map for properties and historic districts listed on the Local and/or National Registers of Historic Places. Architectural, archaeological, and other related cultural resource surveys shall be conducted pursuant to the standards and policies of the Florida Department of State, Division of Historical Resources and/or the provisions of the National Historic Preservation Act (1966).

POLICY 13-F-2	Acquire high-quality reproductions of all files and photographs from the Florida Master Site File and the Florida Archives for buildings on Estero Island, and make copies available to the public at Town Hall and the public library. This files should be supplemented by an accurate listing of street addresses and parcel numbers, plus a listing of buildings that have been demolished or renovated beyond recognition.After this updating, the town shall notify all property owners of sites listed on the Florida Master Site File.	POLICY ~~13-F-2~~ HP-1-A-2	FLORIDA MASTER SITE FILES AND PHOTOGRAPHS Acquire high-quality reproductions of all files and photographs from the Florida Master Site File and the Florida Archives for buildings on Estero Island, and make copies available to the public at Town Hall and the public library. These ~~This~~ files should be supplemented by an accurate listing of street addresses and parcel numbers~~, plus a listing of buildings that have been demolished or renovated beyond recognition.After this updating, the town shall notify all property owners of sites listed on the Florida Master Site File~~.
POLICY 13-F-3	Periodically review and update Lee County's 1986 and 1992 surveys of historic buildings on Estero Island. Additional buildings shall be documented for submission to the Florida Master Site File, and buildings that have been demolished or altered shall be so noted. New information shall be transmit- ted to the Florida Department of State via the Lee County Planning Division.	POLICY ~~13-F-3~~ HP-1-A-3	Updates to Historic Building Survey Periodically review and update Lee County's ~~1986 and 1992~~ surveys of historic buildings on Estero Island. Additional buildings shall be documented for submission to the Florida Master Site File, and buildings that have been demolished or altered shall be so noted. New information shall be transmitted to the Florida Department of State via the Lee County Planning Division.
POLICY 13-F-4	Require all applications for development review to identify the location and status of historic resources and archaeological sites, utilizing as data bases the 1986 Lee County Historic Sites Survey, the 1987 Archaeological Site Inventory and Zone Management Plan for Lee County, the 1992 Historical Report and Survey Supplement for Lee County, and updated information from implementation of Policies 13-A-3 and 13-A-6. This identification of historic and archaeological resources will assist in administering protective regulations.	~~POLICY 13-F-4~~	~~Require all applications for development review to identify the location and status of historic resources and archaeological sites, utilizing as data bases the 1986 Lee County Historic Sites Survey, the 1987 Archaeological Site Inventory and Zone Management Plan for Lee County, the 1992 Historical Report and Survey Supplement for Lee County, and updated information from implementation of Policies 13-A-3 and 13-A-6. This identification of historic and archaeological resources will assist in administering protective regulations.~~
POLICY 13-F-5	Continue the program begun by Lee County for formally designating historic and archaeological resources, with the following changes: i. Designate the town's Local Planning Agency to serve as the historic preservation board required by the Land Development Code. ii. Contract with Lee County for consultation, technical assistance, and on-going staff support for the town's historic preservation program.	~~POLICY 13-F-5~~	~~Continue the program begun by Lee County for formally designating historic and archaeological resources, with the following changes:~~ ~~i. Designate the town's Local Planning Agency to serve as the historic preservation board required by the Land Development Code.~~ ~~ii. Contract with Lee County for consultation, technical assistance, and on-going staff support for the town's historic preservation program.~~
POLICY 13-F-6	By 1999, the town shall begin the process of designating one or more historic districts which would include most of the buildings listed on the Florida Master Site File.	~~POLICY 13-F-6~~	~~By 1999, the town shall begin the process of designating one or more historic districts which would include most of the buildings listed on the Florida Master Site File.~~
POLICY 13-F-7	Request the Estero Island Historic Society to identify appropriate buildings or sites for nomination by the town to the National Register of Historic Places.	POLICY ~~13-F-7~~ HP-1-A-4	NATIONAL REGISTER OF HISTORIC PLACES Request the Estero Island Historic Society ~~to~~ regularly identify appropriate buildings or sites for nomination by the town to the National Register of Historic Places.

POLICY 13-F-8	Encourage a private program that would visibly recognize historic building through plaques, certificates, historic markers, awards programs, or certificates of historical and/or archaeological significance.	~~POLICY 13-F-8~~	~~Encourage a private program that would visibly recognize historic building through plaques, certificates, historic markers, awards programs, or certificates of historical and/or archaeological significance.~~
POLICY 13-F-9	Develop a process and criteria for identifying specific scenic resources, view corridors, and vistas that should be preserved or enhanced as new development and redevelopment occurs. Particular attention should be given to recommendations in the Community Design Element.	POLICY ~~13-F-9~~ HP-1-A-5	PROCESS FOR PRESERVING SCENIC RESOURCES Develop a process and criteria for identifying specific scenic resources, view corridors, and vistas that should be preserved or enhanced as new development and redevelopment occurs. ~~Particular attention should be given to recommendations in the Community Design Element.~~
		OBJECTIVE HP-1-B	DESIGNATION Maintain and increase the number of historic resources listed in the Local and/or National Historic Registers of Historic Places.
		POLICY HP-1-B-1	HISTORIC DESIGNATION OF BUILDINGS Explore potential to designate historic structures from all historic resources.
		POLICY HP-1-B-2	HISTORIC DESIGNATION OF DISTRICTS The town shall begin the process of designating one or more historic districts which would include most of the buildings listed on the Florida Master Site File.
OBJECTIVE 13-G	REGULATIONS AND INCENTIVES — By the end of 1998, establish and maintain a regulatory and incentive system that promotes restoration, reconstruction, and re-use of the town's historic buildings.	OBJECTIVE ~~13-G~~ HP-1-C	~~REGULATIONS AND INCENTIVES —~~ REGULATORY TECHNIQUES ~~By the end of 1998, e~~Establish and maintain a regulatory and incentive system that promotes restoration, reconstruction, and re-use of the town's historic buildings.
POLICY 13-G-1	Evaluate the provisions of the Certified Local Government program to determine if the town should become certified.	POLICY ~~13-G-1~~ HP-1-C-1	CERTIFICATION Evaluate the provisions of the Certified Local Government program to determine if the town should become certified.
POLICY 13-G-2	Implement Community Design and Housing Policies that call for preparing and adopting land development regulations that will encourage the revitalization of older and historic housing using elements from the cottage design tradition.	POLICY ~~13-G-2~~ HP-1-C-2	COMMUNITY DESIGN HOUSING POLICIES Implement Community Design and Housing Policies that call for preparing and adopting land development regulations that will encourage the revitalization of older and historic housing using elements from the cottage design tradition.
POLICY 13-G-3	Using specific existing historic properties in Fort Myers Beach, determine additional regulatory relief that could be provided to designated historic properties to promote their preservation and rehabilitation.	POLICY ~~13-G-3~~ HP-1-C-3	REGULATORY RELIEF Using specific existing historic properties in Fort Myers Beach, determine additional regulatory relief that could be provided to designated historic properties to promote their preservation and rehabilitation.
POLICY 13-G-4	Study the feasibility of a variety of incentives including transfer of development rights and property tax relief to encourage preservation and rehabilitation of historic properties.	POLICY ~~13-G-4~~ HP-1-C-4	REGULATORY INCENTIVES FOR HISTORIC PRESERVATION Study the feasibility of a variety of incentives including transfer of development rights and property tax relief to encourage preservation and rehabilitation of historic properties. Continue to develop new land use and zoning

			incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning districts and providing parking relief strategies.
POLICY 13-G-5	Consider financial incentives for historic preservation that might include a revolving loan fund, grants, federal and state funds for income-eligible recipients, tax increment funds (if a CRA is established), or technical support for the use of investment tax cred- its.	POLICY ~~13-G-5~~ HP-1-C-5	FINANCIAL INCENTIVES FOR HISTORIC PRESERVATION Consider financial incentives for historic preservation that might include a revolving loan fund, grants, federal and state funds for income-eligible recipients, tax increment funds (if a CRA is established), or technical support for the use of investment tax cred- its.
POLICY 13-G-6	The town shall adopt the Standard Existing Buildings Code into its land development code to encourage the rehabilitation of older buildings throughout the town.	POLICY ~~13-G-6~~ HP-1-C-6	STANDARD EXISTING BUILDING CODE The town shall adopt the Standard Existing Buildings Code into its land development code to encourage the rehabilitation of older buildings throughout the town.
		POLICY HP-1-C-7	IDENTIFYING HISTORIC AND ARCHAEOLOGICAL RESOURCES Require all applications for development review to identify the location and status of historic resources and archaeological sites, utilizing as databases information available from the Town, Lee County's Historic Preservation program, and Florida Department of State as appropriate.
		POLICY HP-1-C-8	AMENDMENTS TO LAND DEVELOPMENT REGULATIONS The Town will encourage sensitive, adaptive reuse and rehabilitation of structures eligible for historic designation as a preferred alternative to demolition. To this end, as necessary, the Town will regularly evaluate and, where necessary, amend the Land Development Regulations to ensure the protection of historic resources.
OBJECTIVE 13-H	CELEBRATING OUR HERITAGE — Continually heighten the appreciation of the town's recent and ancient history and cultural life, and improve opportunities for appropriate public access to publicly sup- ported resources.	OBJECTIVE ~~13-H~~ HP-1-D	~~CELEBRATING OUR HERITAGE —~~ ~~Continually heighten the appreciation of the town's recent and ancient history and cultural life, and improve opportunities for appropriate public access to publicly sup-ported resources.~~ PRESERVATION PROGRAMS- Support and expand the city's historic preservation program with the State of Florida office and to comply with the town's ordinances for preservation to coincide with land development regulations.
POLICY 13-H-1	Continue to pursue the acquisition of the William Case home (Long Estate). Assist the foundation that will provide long-term management with funding for start-up costs (with the amount needed to be evaluated annually). Link this facility to other cultural, scientific, educational, and recreational activities.	POLICY ~~13-H-1~~ HP-1-D-1	~~Continue to pursue the acquisition of the William Case home (Long Estate). Assist the foundation that will provide long-term management with funding for start-up costs (with the amount needed to be evaluated annually). Link this facility to other cultural, scientific, educational, and recreational activities.~~

			CHANGES TO FORMAL DESIGNATION Continue the program begun by Lee County for formally designating historic and archaeological resources. Designate the town's Local Planning Agency to serve as the historic preservation board required by the Land Development Code. Contract with Lee County for consultation, technical assistance, and on-going staff support for the town's historic preservation program.
POLICY 13-H-2	Support the nomination of the Fort Myers Beach Elementary School and the William Case home (and its site) for the National Register of Historic Places.	POLICY ~~13-H-2~~ HP-1-D-2	~~Support the nomination of the Fort Myers Beach Elementary School and the William Case home (and its site) for the National Register of Historic Places.~~ Encourage privately run programs that would visibly recognize historic building through plaques, certificates, historic markers, awards programs, or certificates of historical and/or archaeological significance.
POLICY 13-H-3	Examine methods that the town could use to aid in the protection of Mound Key.	POLICY ~~13-H-3~~ HP-1-D-3	~~Examine methods that the town could use to aid in the protection of Mound Key.~~ HISTORIC PRESERVATION BOARD Maintain a qualified Historic Preservation Board that meets the Florida Certified Local Government Guidelines to oversee and further develop the functions of the historic preservation program.
POLICY 13-H-4	Work with Lee County in establishing a net- work of canoe and kayak trails linking the sites of historic and archaeological significance from Pine Island to Estero Bay.	POLICY 13-H-4 HP-1-D-4	~~Work with Lee County in establishing a net- work of canoe and kayak trails linking the sites of historic and archaeological significance from Pine Island to Estero Bay.~~ STATE COMPREHENSIVE PLAN AND HISTORIC PRESERVATION PLAN Continue to work cooperatively and in conjunction with the State Historic Preservation Office to achieve the goals set forth in the State Comprehensive Plan and the Comprehensive Statewide Historic Preservation Plan.
POLICY 13-H-5	Establish a task force to develop and implement the town's eco/heritage program. The task force would work with the Marine Resources Task Force to advise the town about implementing the recently adopted recommendations of the Governor's Advisory Committee on Eco-heritage Tourism.	POLICY ~~13-H-5~~ HP-1-D-5	~~Establish a task force to develop and implement the town's eco/heritage program. The task force would work with the Marine Resources Task Force to advise the town about implementing the recently adopted recommendations of the Governor's Advisory Committee on Eco-heritage Tourism.~~ CONSISTENCY WITH HISTORIC PRESERVATION ORDINANCES Ensure historic resources remain consistent with the Historic Preservation Ordinances relating to affirmative maintenance, demolition by neglect and boarding,

			which are adopted in the Land Development Regulations and the Code of Ordinances.
POLICY 13-H-6	In cooperation with the Estero Island Historic Society, develop self-guided walking/biking tours of the island's historic points of interest; interpretive panels; and other ways to share the history of the island with visitors.	POLICY ~~13-H-6~~ HP-1-D-6	~~In cooperation with the Estero Island Historic Society, develop self-guided walking/biking tours of the island's historic points of interest; interpretive panels; and other ways to share the history of the island with visitors.~~ ACQUIRING HISTORIC AND CULTURAL RESOURCES Pursue the acquisition of historic and cultural resources when ownership would provide a public benefit and when financial resources can be secured.
POLICY 13-H-7	Continue to improve availability and appropriate public access to historic and cultural resources by implementing Community Design Policies 2-A-1/4, 3-D-4, and 3-D-6 and Recreation Policy 10-A-4.	POLICY ~~13-H-7~~ HP-1-D-7	~~Continue to improve availability and appropriate public access to historic and cultural resources by implementing Community Design Policies 2-A-1/4, 3-D-4, and 3-D-6 and Recreation Policy 10-A-4.~~ PUBLIC USES Use historic buildings to accommodate public uses whenever feasible.
		OBJECTIVE HP-1-E	EDUCATION AND PROGRAMMING Continually heighten the appreciation of the town's recent and ancient history and cultural life and improve opportunities for appropriate public access to publicly sup- ported resources.
		POLICY HP-1-E-1	Network of Canoe and Kayak Trails Work with Lee County in establishing a network of canoe and kayak trails linking the sites of historic and archaeological significance from Pine Island to Estero Bay.
		POLICY HP-1-E-2	TASK FORCE FOR TOWN'S ECO/HERITAGE PROGRAM Establish a task force to develop and implement the town's eco/heritage program. The task force would work with the Marine Resources Task Force to advise the town about implementing the recently adopted recommendations of the Governor's Advisory Committee on Eco-heritage Tourism.
		POLICY HP-1-E-3	SELF-GUIDED WALKING/BIKING TOURS In cooperation with the Estero Island Historic Society, develop self-guided walking/biking tours of the island's historic points of interest; interpretive panels; and other ways to share the history of the island with visitors.
		POLICY HP-1-E-4	SUBMERGED ARCHAEOLOGICAL SITES Promote knowledge of submerged archaeological sites as cultural heritage and patrimony.

		POLICY HP-1-E-5	PROMOTING HISTORIC AD-VALOREM TAX EXEMPTION PROGRAM Continue to promote the Historic Ad-Valorem Tax Exemption program to property owners of eligible and historic resources. Continue to provide information regarding all local, state and federal financial incentives to the public such as, the City and County Historic Ad- Valorem Tax Exemption program and the Federal Historic Preservation Tax Incentives programs.
		POLICY HP-1-E-6	PROMOTIONAL AND REFERENCE MATERIAL Develop promotional and reference materials about local historic resources, preservation and cultural heritage; such information will be available at City Hall and on the City website.

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE ROS-1-B: PUBLIC ACCESS AT BEACHES AND BAYS
Increase the number and quality of public access points to the Gulf beaches and Estero Bay, parks and natural preserves.

POLICY ROS-1-B ~~-BG-~~1: Beach Access
Maintain or improve existing levels of beach and bay access which provide for the continued maintenance of existing beach access points, and evaluate the need for more parking.

POLICY ROS-1-B-2: View Corridors
Preserve and enhance view corridors to the beach and water.

POLICY ROS-1-B ~~G~~-3: Great Calusa Blueway
Support and participate in Lee County's "Great Calusa Blueway" paddling trail by making convenient links between the trail and the town's environmental, cultural, and historical points of interest.

POLICY ROS-1-B ~~-G~~-4: Beach Access to Mound House and Mantanza's Pass Preserve
~~Acquire one or more beach access points at the southern end of the island in addition to acquiring the Newton estate~~ Specifically provide enhancements for beach access and paddling trail points at Mound House and Mantanza's Pass Preserve for additional public access to the beach. ~~and as a mid-island interpretative facility and rest area~~ for the "Great Calusa Blueway" and the natural walking trail that is provided by the continuous beachfront along Estero Island.

~~OBJECTIVE 10-E~~ POLICY ROS-1-B-5: Natural Preserves
Enhance public access to the town's nature preserve areas, while ensuring their ecological sustainability and providing for their long-term maintenance.

~~POLICY 10-B-4-1 MATANZAS PASS PRESERVE Prepare for the transition of the long-term maintenance responsibility of the Matanzas Pass Preserve from Lee County in accordance with Conservation Policy 6-B-3.~~

POLICY ROS-1-B ~~-6-E-2-~~: Little Estero Island Critical Wildlife Area and Mantanza Pass Preserve
Enhance access for the public enjoyment and protection of the areas.

~~POLICY 10-B-4-3 OTHER NATURAL PRESERVES — Establish a citizen task force to evaluate opportunities to designate additional open spaces and natural preserves, and to identify potential funding sources including grants and a 3% utility tax.~~

POLICY ROS-1-B-7: ~~OBJECTIVE 10-B~~ Bowditch Point Park

~~Enhance the natural resources at Bowditch Point Park~~ Increase accessibility for recreational purposes by:

i. Actively promote alternate means of access to Bowditch Point Park ~~such as electric trams and more~~ frequent and free trolley service, and especially the construction of public docks on the Bay side for private boats and a water taxis stop. Actions to support these activities shall include appropriate changes to the Land Development Code, any required rezoning's, and formal requests for funding to Lee County, and may also include further public transit subsidies or financial support for dock construction.

ii. ~~POLICY 10-B-3 If requested by Lee County, consider the costs and benefits of assuming management responsibility for~~ Bowditch Point Park ~~while ensuring its~~ ensure continued accessibility to visitors from throughout the county and beyond.

iii. ~~POLICY 10-B-4~~ Encourage and support Lee County to provide additional on-site parking for the general public at Bowditch Point (in addition to the existing spaces for the handicapped) by adopting an appropriate resolution of support by the town council and by granting the required zoning changes.

POLICY ROS-1-B-8 ~~-F-1~~ Linking Mound House to Great Calusa Blueway
Link the Mound House ~~Site facility~~ to other cultural and recreational points of interest by providing appropriate dockage to serve the Great Calusa Blueway paddling trail and water taxis as well as links to bike and pedestrian paths.

POLICY ROS-1-B-9: Wayfinding
Increase public awareness of available recreation opportunities through signage on roadways, at park entrances, and within large parks.

~~-F-3 Acquire the beachfront estate of James and Eleanor Newton and operate it as a small community park with close links to the paddling trail in Matanzas Pass, the pedestrian and bicycle facilities on Estero Boulevard, and the adjoining public beach~~.

OBJECTIVE ROS-1-C: SUSTAINABILITY
Develop policies to promote sustainability in the parks.

POLICY ROS-1-C-1 ~~OBJECTIVE 10-A~~ Lead Efforts to Improve Natural Areas
Assume a leadership role with other agencies to improve the viability of the natural areas around the town as an integral part of a comprehensive recreational system. Measures of success may include public acquisition of additional beachfront land; designation of canoe trails or water shuttle service linking Fort Myers Beach to surrounding natural resources; ~~for the successful Implementation of a plan for the coordinated use and protection of Matanzas Pass.~~

POLICY ROS-1-C-1 ~~A-1~~ Marine Task Force
Expand the purview of the town's Marine Resources Task Force to include the sustainability of recreational use of marine resources. ~~along with the activities described in Conservation Policy 6-A-4.~~

~~POLICY 10-C-5A-4 Promote the use of a water shuttle to link the components of the town's recreational system without adding traffic on the roads~~.

POLICY ROS-1-C-2 ~~A-5~~ Public Land Acquisition to Meet Sustainability Priorities
Support the following priorities for public land acquisition outside the town's boundaries:

i. Land that will contribute to the sustainability and enhancement of the comprehensive recreation system;
ii. Land that can provide opportunities for public appreciation of environmental and archaeological resources;
iii. Land that will provide additional beach access (such as Bunche Beach) for visitors who cannot reach Fort Myers Beach due to congested roads.

POLICY ROS-1-C-3 – Eco/heritage Task Force
Establish a task force on eco/heritage tourism to develop and implement the town's "eco/heritage" program. The task force would work closely with Marine Resources Task Force to advise the town on appropriate components of the statewide plan of the Governor's Advisory Committee on Eco-Heritage Tourism where adopted.

~~POLICY 10-C-11 Encourage Lee County to plant native shade trees at Bowditch Point and control the spread of invasive exotic vegetation such as Australian pines to improve wildlife habitat and enhance opportunities for bird watching. If the Australian pines are destroyed by high winds, the town encourages their re- placement with native shade trees. This encouragement may be expressed by resolution of the town council if requested by Lee County.~~

POLICY ROS-1-C-4: Florida Friendly and Native Plants
Use Florida Friendly and native plants in all parks and open spaces to the greatest extent possible.

OBJECTIVE ~~10-I~~ ROS-1-D: Implementation and Coordination— ~~Provide a~~ Maintain a comprehensive and cost-effective recreational system that meets the future needs of Fort Myers Beach.

~~POLICY 10-D-1 Demonstrate through the annual budget and five-year Capita Improvements Program that the park and recreation standards of this plan are being met.~~

POLICY ROS-1-D-1 ~~10-D-1:~~ Coordinating Funding Sources
The town shall work with the county, surrounding jurisdictions, state and federal agencies, non-profit organizations, national, state and local land trusts, private organizations and corporations, and other groups to identify funding sources and mechanisms and to structure partnerships to implement the policies of this Recreation Element.

POLICY ROS-1-D-2 ~~10-D-2~~ Cost Sharing Mechanisms
Promote a cooperative effort among the town, Lee County, city of Sanibel, and other counties and regional agencies to develop cost-sharing mechanisms for improvements needed to improve the experience of visitors.

POLICY ROS-1-D-3 ~~10-D-3~~ Adequate Private Recreational Facilities for New Development
The town shall require through its development regulations that major redevelopment activities include adequate private recreational facilities for their residents.

POLICY ROS-1-D-4 ~~10-D-4~~: Maintenance
Ensure a high level of maintenance and facility development to preserve and enhance quality of parks and recreational facilities.

POLICY ROS-1-D-5 ~~10-D-5~~: Matanzas Pass
Maintain ~~initiating~~ a cooperative planning process for Matanzas Pass and surrounding waterways. ~~by 1998.~~

POLICY ROS-1-D-6: ~~10-D-6~~ Agency on Bay Management
Actively participate in the Agency on Bay Management and the Southwest Florida Regional Harbor Board.

OBJECTIVE ROS-1-E: Monitoring
The following measures will be used to monitor the achievement of the objectives in the Recreation and Open Space Element:

- The amount of funds expended for and number of capital projects improving on-site access for automobiles, bicycles, pedestrians, and mass transit to the Town's recreation and open space facilities between 2022 and 2029.

- The number of projects and amount of funds expended for improving the handicapped accessibility of Town's recreation and open space facilities between 2022 and 2029.
- The number of projects and amount of funds expended for the acquisition and protection of the Town's beaches for preservation and increased public access.
- Achievement of the LOS standard.
- Comparison of park acreage from 2022 to 2029.
- The number of interagency partnerships, school agreements and interlocal agreements.
- The number of comprehensive resource management programs that have been developed for designated natural resource areas
- The implementation status of strategies to maintain and increase public participation in park planning, construction, and operational issues, and to increase the public's awareness of recreational opportunities.

COASTAL MANAGEMENT ELEMENT

GOAL CM-1 ~~5~~: To keep the public aware of the potential effects of flooding, sea-level rise, hurricanes and tropical storms and to plan a more sustainable redevelopment pattern that protects coastal resources, minimizes threats to life and property, and limits public expenditures in areas subject to destruction by storms.

OBJECTIVE CM-1 ~~5~~-A COASTAL PLANNING GENERALLY —Protect and enhance coastal resources through an on-going planning process that recognizes the advantages and limitations of living within a sensitive coastal environment. Enhancement of coastal resources can be measured by increased sea turtle nesting, improvements in estuarine water quality, and restoration of sand dunes. Important limitations on development in this coastal high hazard area include the existing over-concentration of people plus town, state, and federal policies against public expenditures that subsidize further private development.

POLICY CM-1 ~~5~~-A-1 The town shall maintain and enforce building codes at least as stringent as required by Florida law to limit the potential damage of structures from hurricanes, tropical storms, and flooding. These codes shall include wind-resistance commensurate with the risk of a coastal environment and building elevation requirements that conform with federal laws and Flood Insurance Rate Maps.

POLICY CM-1 ~~5~~-A-2 The maximum density of future residential development is limited to the densities described in the Future Land Use Element in recognition of natural hazards and existing population concentrations. For rebuilding of existing development, refer to the buildback policies ~~under Objective 4-D and 4-E~~ of the Future Land Use Element.

POLICY CM-1 ~~5~~-A-3 When state funding is required for the relocation of replacement of infrastructure currently within the Coastal Building Zone, the capacity of the replacement structure shall be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs.

POLICY CM-1 ~~5~~-A-4 Since the entire Town of Fort Myers Beach is within the coastal planning area and is designated as a coastal high hazard area, specific policies addressing historic buildings, phasing of infrastructure, limitations on development, and environmental resources are contained in other elements of this plan and are not repeated here.

POLICY CM-1 ~~5~~-A-5 Due to the physical constraints of its coastal location, the Town of Fort Myers Beach commits to a future policy of no increase in the net development capacity (island-wide) that would be allowed by the Fort Myers Beach comprehensive plan.

POLICY CM-1 ~~5~~-A-6 The entire town is located within the coastal high-hazard area, as shown on the Coastal High Hazard Area map ~~Figure 17~~ which is part of the adopted Future Land Use Map series ~~(see Policy 4-B-2)~~.

OBJECTIVE CM-1 ~~5~~-B NATURAL DISASTER PLANNING — Reduce the threat of loss of life and property resulting from catastrophic storms by reducing evacuation times and improving shelter capabilities from their current levels.

POLICY CM-1 ~~5~~-B-1 The town shall work to improve the capability of evacuating Fort Myers Beach when a tropical storm or hurricane threatens to strike. Specific problem areas include:

i. County officials may be reluctant to order a county-wide evacuation even though an evacuation may be warranted for low- lying coastal areas such as Fort Myers Beach. town officials should be prepared to order a local evacuation if one is warranted.
ii. Australian pines and other trees not native to Florida situated along evacuation routes can pose a threat to evacuation routes due to decay or shallow root systems; such trees need to be identified,pruned or removed. If feasible, the removed the tree shall be replaced with a Florida native-tree, following FPL best practices Right Tree, Right place, and shall be equal in DBH or height.
iii. In a cooperative process with Lee County, Sanibel, and the Southwest Florida Regional Planning Council, the town shall seek to improve mainland shelter capacities including private sheltering options.
iv. The town shall work closely with Lee County and Florida DOT to maintain or improve hurricane evacuation times and procedures, including off-island traffic bottlenecks.

POLICY CM-1 ~~5~~-B-2 The town shall participate fully in the federal government's National Flood Insurance Program and seek constant improvements under the Community Rating System.

POLICY CM-1 ~~5~~-B-3 The town shall encourage owners of private buildings to strengthen or otherwise protect them before severe storms strike to reduce avoidable damage to life and property. Town regulations that unnecessarily interfere with this important form of hazard mitigation shall be modified as described in ~~Policy 4-E-3 of~~ the Future Land Use Element.

POLICY CM-1 ~~5~~-B-4 The town shall develop and adopt a storm emergency plan for preparing for, responding to, and recovering from a hurricane or tropical storm. The emergency plan shall be reviewed and updated every five (5) years in conjunction with any updates to the town's roadway level of service. Hazard mitigation recommendations of local peacetime emergency plan or interagency hazard mitigation reports shall be evaluated for inclusion in the town's plans.

POLICY CM-1 ~~5~~-B-5 Capital improvements to infrastructure and facilities under the town's jurisdiction that can maintain or improve evacuation times will be identified and included in the Capital Improvements Element.

POLICY CM-1 ~~5~~-B-6 The town shall maintain substantial reserve funds for emergency work that will be needed immediately following a major storm.

OBJECTIVE CM-1 ~~5~~-C POST-DISASTER REDEVELOPMENT —

Plan for post-disaster rebuilding that will reduce the exposure of human life and property to future disasters and improve the community in other ways during the rebuilding process.

POLICY CM-1 ~~5~~-C-1 ~~By 1999, the~~ The town in cooperation with Lee County officials shall prepare a post-disaster redevelopment plan. Such plan shall be consistent with this comprehensive plan and use the following priorities:

i. Activities which prevent further loss of life or that minimize public health risks;
ii. Activities which restore the basic public infrastructure and services to support the population;
iii. Activities which prevent further damage to public or private property;
iv. Activities which begin the rebuilding process as promptly as possible.

POLICY CM-1 ~~5~~-C-2 ~~By 1998, the~~ The town shall evaluate the elevation and drainage characteristics of evacuation routes to the mainland to identify problem areas that may prematurely block evacuation. Solutions shall be sought in cooperation with agencies having jurisdiction over such facilities.

POLICY CM-1 ~~5~~-C-3 Rebuilding after a natural disaster is allowed in accordance with the "buildback policy" found in ~~Policy 4-C-7 of~~ the Future Land Use Element.

POLICY CM-1 ~~5~~-C-4 To further coordinate the redevelopment activities proposed under this plan with state and federal floodplain management programs, the town shall pursue the following activities:

i. Pursue all potential measures to encourage corrective and preventative measures to existing houses and businesses to increase their resistance to flooding and high winds before a disaster occurs. Examples include storm shutters; shatter- proof glass; strengthening roof attachments, floors, and walls; and minor floodproofing.
ii. Allow non-conforming buildings to be modified provided the modifications do not increase the non-conformity to current development standards in the Land Development Regulations.
iii. Investigate the feasibility promoting pedestrian activity in some redeveloping commercial zones by raising the existing grade of roads and sidewalks one to three feet, thus allowing adjoining commercial space to remain at ground level while reducing the required height of dry floodproofing.
iv. Explore with the Department of Environmental Protection an alternative method of controlling building intensity seaward of the Coastal Construction Control Line. The current rule allows 20% of any sin- gle building's frontage to be enclosed at ground level. This percentage may be too high for most parts of the town, but is too low where pedestrian zones exist or are being created. An alternative means of computing the 20% rule could better meet the state's coastal management goals and the town's revitalization program.

POLICY CM-1 ~~5~~-C-5 New publicly funded buildings within the town shall be designed to withstand major storms and be able to serve as shelters/operation centers for emergency personnel. New public buildings shall comply with State and FEMA requirements, and be encouraged to pursue LEED accreditation.

POLICY CM-1 ~~5~~-C-6 Design new and replacement infrastructure to minimize damage caused by flooding and high winds:

i. Power lines shall be relocated under-ground whenever possible.
ii. Water and sewer systems should eliminate infiltration of flood waters and be designed to function with auxiliary power when needed.
iii. Roads should be designed to manage minimum levels of flooding and be located where least susceptible to storm damage.

POLICY CM-1 ~~5~~-C-7 Continue to inventory buildings that are repeatedly damaged by flood waters to identify those that have recorded one or more National Flood Insurance Program (NFIP) flood losses of $1,000 or more since 1978. Buildings identified as a repetitive loss by FEMA since 1978

shall be demolished and shall be permitted to be reconstructed under the town's build back policy, or current regulations.

OBJECTIVE CM-1 ~~5~~--D BEACHES AND DUNES — Conserve and enhance the shoreline of Estero Island by protecting natural areas, increasing the amount of dunes, renourishing beaches to counter natural erosion, and reducing negative man-made impacts on beaches and dunes.

POLICY 5-D-1 The town's policies on shoreline protection measures shall be as follows (see also Objective 5 and related policies in the Conservation Element of this plan):

i. Beach renourishment will be necessary along much of the Gulf beach. The long- term recreational and economic benefits will offset the cost. The town shall work closely with Lee County, which has agreed to take the lead role in carrying out this important activity. All practical measures shall be taken to ensure that beach renourishment improves sea turtle nesting and migratory bird nesting habitats rather than interfering with it. Public access to existing and renourished beaches is an important priority of the town of Fort Myers Beach.

ii. Sand dunes should be protected and recreated wherever they have been removed. Native dune plants should be protected and non-native exotics removed. Dune walkovers should be constructed where they do not exist and existing structures should be maintained.

iii. The use of vehicles on any part of the beach should be severely limited in accordance with Conservation Policy 6-E-4(iv).

iv. Buildings and other structures should be located as far away from the shoreline and dune system as possible since the beach is a constantly changing environment. Beachfront development shall be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment rather than by seawalls or other hardened structures which tend to hasten beach erosion, interfere with public access, and block sea turtle nesting.

v. Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.

vi. Where buildings are threatened by erosion that cannot be reversed by major beach renourishment, the town's priorities are (1) to allow the structure to be moved away from the beach; (2) to allow emergency renourishment (including the use of trucked-in sand); and (3) to allow rip-rap only when the previous priorities are not possible. Existing seawalls on the beach may be maintained or removed but not rebuilt.

vii. The absolute last resort for shoreline protection is the use of hardened structures (except that terminal groins may be permitted at inlets if acceptable to state and federal permitting agencies). New beachfront buildings requiring seawalls for protection from coastal erosion shall not be permitted.

viii. Fish kills resulting from Red Tide and other harmful algal blooms have a negative impact on the town's shoreline. The town shall manage removal and remediate impacted shoreline for the continued enjoyment of residents and visitors. The town shall collaborate with local, state, and federal agencies, coalitions, and nonprofit

organizations to support policies/programs that address the impacts of harmful algal blooms that impact the town's shoreline.

OBJECTIVE CM-1 ~~5~~--E ACCESS TO THE WATER — ~~Increase the number of well-maintained~~ Improve access~~es~~ to beaches, bays, and navigable waters to serve the existing and future population and visitors.

POLICY CM-1 ~~5~~--E-1 Ensure the continued maintenance of existing beach access points, currently provided by Lee County with funds from the Tourist Development Council.

POLICY CM-1 ~~5~~--E-2 Evaluate the need for expanded parking areas and the potential for revenue generation from metered parking as a funding source for additional public access amenities.

POLICY CM-1 ~~5~~--E-3 The town encourages Lee County to continue its program of improving beach access points that are not currently marked.

POLICY CM-1 ~~5~~--E-4 The town shall identify any water access points that are hidden, fenced off, or blocked by encroachments, and then ensure that appropriate public access is restored. Wayfinding shall be encouraged to be provided at key locations in town to identify and promote use of beach access points.

POLICY CM-1 ~~5~~--E-5 The town shall attempt to acquire one or more beach access points at the southern end of the island.

POLICY CM-1 ~~5~~--E-6 The town shall monitor the effectiveness of its ordinances regulating water activities (vessel control, water safety, personal watercraft, and parasailing), and install manatee habitat education signs at waterfront locations. In cooperation with providers and citizens, develop a program of education, interagency cooperation for enforcement, and additional regulation as needed to protect the coastal waters and the safety and welfare of residents and visitors.

POLICY CM-1 ~~5~~--E-7 This plan minimizes the potential for land use conflicts between waterfront uses and other land uses through the following priorities for development/ redevelopment of the shoreline:

i. Intense multi-family uses are limited to areas vested by previous regulations; to the rebuilding of existing sites following a natural disaster (see Policy 4-D-1); and to voluntary rebuilding of existing sites in accordance with the Future Land Use Element.
ii. Future development or redevelopment of shoreline land uses must ensure compatibility with surrounding lands and provide proper buffering where needed.
iii. ~~In determining applicable land uses for a site, priority~~ Site, priority shall be given to water dependent land uses in the following order:
    - Conservation uses
    - Water-dependent uses such as marinas which are available for use by the gen eral public;
    - Recreational uses; and
    - Other uses that are compatible with the surrounding neighborhood.

OBJECTIVE CM-1 ~~5~~--F HARBOR PLANNING — Initiate a cooperative planning process for Matanzas Pass and surrounding waterways by 1998.

POLICY CM-1 ~~5~~--F-1 The town shall take an active role in initiating and participating in the planning process for Matanzas Pass and nearby waters ~~envisioned by Policy 94.6.3 of the Lee County Comprehensive Plan~~. This process would be conducted by a new entity charged with both planning and implementation. This entity would have the following characteristics:

i. Balanced representation of competing interests such as local governments, recreational and commercial boating interests, and regional/state/federal agencies with jurisdiction over these waters;
ii. A commitment to address and resolve competing interests for use and protection of these water, including commercial fishing and shipping, recreational boating, public anchorage, environmental protection, and protection of other shoreline users; and
iii. The process will be public to seek the active support of all interests so that this planning process can be the first step to- wards long-term cooperation and protection of these valuable resources.

CONSERVATION ELEMENT

GOAL CON-1 ~~6~~:
~~To protect the natural resources in and around the town from further damage and improve their future health and sustainability through regulations, education, enforcement, timely management, public improvements, and cooperation with other entities with similar goals.~~

Maintain and improve the Town of Fort Myers Beach's coastal resources with ongoing commitment through regulations, education, land acquisition and preservation, evaluation, programs, and for cooperation with the federal and county governments and related agencies.

OBJECTIVE CON 1-~~6~~-A: ESTUARIES AND BAYS
Improve the condition and function of estuaries and bays surrounding Estero Island, including their components such as seagrass meadows, tidal flats, soft bottoms, oyster bars, tidal creeks, and open water. Improve the viability of existing native coastal and upland habitats and establish additional areas for nature preserve and conservation uses to expand habitat areas and improve the conditions of estuaries and bays surrounding Estero Island.

POLICY CON 1-~~6~~-A-1: Protecting Marine Habitats/Resources:
~~Estuaries are the ecological transition between fresh and saltwater systems. They provide \extensive habitat for fish and WILDLIFE including the feeding, breeding, and nursery ground for most of the commercially important fish and shellfish and many species of local and migratory birds, while offering a broad array of recreational opportunities.~~ The Town of Fort Myers Beach will take all feasible steps to protect its marine and estuarine habitats and finfish/shellfish resources to ensure their long-term viability and productivity for scientific, commercial, sport, and recreational purposes. The town shall take a leadership role in enacting ordinances and facilitating resolution of jurisdictional problems.

The Town of Fort Myers Beach will take all feasible steps to protect its marine and estuarine habitats and finfish/shellfish resources to ensure their long-term viability with enacting ordinances and facilitating resolution will cooperation with other governmental agencies.

~~POLICY 6-A-2 The town will cooperate closely with other governmental agencies in formulating, monitoring, and enforcing regulations to protect the healthy functioning of the estuary, including but not limited to:~~

~~i. Marking existing channels crossing through seagrass beds to help boaters avoid damaging them (and their boats); ii.~~
(i). Establishing permitting criteria for activities within the Town's 1000-foot jurisdiction beyond Estero Island to protect seagrass beds, oyster bars, soft bottoms, and other benthic communities from damage from docks, boat ramps, navigation channels, etc. These criteria would be coordinated with other regulatory agencies to prevent damage and to ensure that every effort is made to protect marine habitats ~~to locate these facilities away from valuable environmental resources. If permits are issued without concurrence from the town, the town may choose to~~

~~withhold local building permits if a better location or technique could avoid damage to seagrass beds, oyster bars, or other sensitive benthic communities.~~

(ii) Controlling point and non-point sources of pollution including drainage, sewage pollution, and stormwater runoff.
(iii) Providing hardened shoreline stabilization such as seawalls; iii. maintaining proper quality and timing of freshwater inputs.
(iv.) Protecting habitats from dredge-and-fill activities.
(v.) protecting sea grasses from "prop scarring" and excessive shading from docks; and protecting important uplands adjacent to wetlands.

~~POLICY 6-A-3 In cooperation with other jurisdictions, evaluate the effectiveness of existing regulations and enforcement techniques in preserving the bay and estuary system. Recommend and support such additional measures as necessary to ensure their sustainability, such:~~

~~i. Marking existing channels crossing through seagrass beds to help boaters avoid damaging them (and their boats);~~

~~ii. Establishing permitting criteria for activities within the town's 1000-foot jurisdiction beyond Estero Island to protect seagrass beds, oyster bars, soft bottoms, and other benthic communities from damage from docks, boat ramps, navigation channels, etc. These criteria would be coordinated with other regulatory agencies to ensure that every effort is made to locate these facilities away from valuable environmental resources. If permits are issued without concurrence from the town, the town may choose to withhold local building permits if a better location or technique could avoid damage to seagrass beds, oyster bars, or other sensitive benthic communities.~~

~~POLICY 6-A-4 Encourage the organization of a local task force to coordinate and reconcile efforts of various organizations, governments, and businesses to promote long-term sustainability of the estuary. Potential perspectives include eco-tourism, water quality, habitat protection, commercial and recreational uses, and economic development. The task force would promote cooperative activities, assess needs, and recommend methods of coordinating reporting and enforcement of violations. The task force would make recommendations to the town regarding issues such as:~~

~~i. Establishing restricted areas and other methods of controlling boat traffic in Estero Bay, particularly around rookery islands and seagrass beds.~~

~~ii. Locating a suitable launching point on the Gulf for use by personal watercraft to reduce traffic on the bay side.~~

~~iii. Adopting a ban on the commercial collection of live shells.~~

~~iv. Recommending capital projects to improve water quality.~~

~~v. Recommending regulations to protect local waters.~~

POLICY <u>CON 1</u>~~-6-~~A-5: Improve Water Quality:
Maintain or improve estuarine water quality~~ in accordance with policy sunder Objective 8 below.~~ <u>and economic value of the water bodies surrounding the Town of Fort Myers Beach</u>.

~~POLICY 6-A-6 Regularly examine activities that may be within the town's jurisdiction to determine whether more stringent regulations or other actions are needed to ensure the functioning and long-term viability of natural systems.~~

OBJECTIVE CON 1-6-B: COASTAL LANDS
Develop policies to improve and protect coastal lands.

POLICY ~~6-A-7~~ CON 1-B-1: PARTICIPATION IN EFFORT TO IMPROVE ESTERO BAY
Participate actively in the Agency on Bay Management, the Charlotte Harbor National Estuary Program, The Estero Bay Management Plan and other entities attempting to improve the environmental health of Estero Bay.

POLICY ~~6-A-8~~ CON 1-B-2: PURCHASE 16,000 ACRES FOR ESTERO BAY PRESERVE
Actively encourage the purchase of the full 16,000 mainland acres adjoining Estero Bay to become an expanded Estero Bay State Buffer Preserve.

~~OBJECTIVE 6-B WILDLIFE AND NATIVE HABITATS – Improve the viability of existing native coastal and upland habitats and establish additional areas for nature preserve and conservation uses.~~

~~POLICY 6-B-1 CONSERVATION PROGRAMS GENERALLY – The town will cooperate with local, state, and federal regulatory agencies in establishing and managing natural reserves, preserves, and critical wildlife areas. This cooperation will include increasing public awareness, allowing appropriate access, properly protecting natural resources, and documenting and reporting violations of laws and regulations.~~

~~POLICY 6-B-2 LITTLE ESTERO ISLAND CRITICAL WILDLIFE AREA – In cooperation with state agencies, the town will aid in the stewardship of the Little Estero Island Critical Wildlife Area through activities such as:~~

~~i. Prohibit commercial activities within the defined boundaries of Little Estero Island.~~
~~ii. Support legislative measures as necessary to protect the long-term future of the preserve.~~
~~iii. Inform residents and visitors of the uniqueness and fragility of the island's habitats and identify funding for measures such as designating pedestrian trails and dune walkovers, adding information and interpretive signs, producing educational brochures, and conducting seminars to encourage proper use.~~
~~iv. Sponsor a volunteer task force to work with the Florida Game and Fish Water Fish Commission to oversee the daily stewardship of Little Estero Island through activities such as:~~
~~• Identify potentially destructive practices (such as mowing or raking on the shoreline, litter, boat traffic, low flying airplanes, disturbances from vehicles and dogs, etc.) and determine appropriate methods to address them.~~
~~• Inform residents and visitors of the uniqueness and fragility of the island's habitats; plant shoreline vegetation to replace vegetation damaged by visitors or other unnatural causes; place and maintain interpretive signs; produce educational brochures; and conduct seminars to encourage proper use.~~
~~• Promote voluntary enforcement and possible citizen "volunteer patrols" to educate residents and visitors of the rules of the island and why they are needed.~~
~~• Develop guidelines to protect the fragile environment of the preserve and, where appropriate, urge their adoption as land development regulations or part of the town's code of ordinances~~.

POLICY ~~6-B-9~~ CON 1-B-3: Acquisition of Additional Sites:
The town will strive to expand the opportunities for conservation and public appreciation of natural resources through acquisition of additional areas with rare or unique ecological

or botanical features, or which provide access to such areas, through activities such as the following:

i. Identify specific sites that would be desirable for public acquisition.

ii. Support the efforts of other entities acquiring land that will contribute to the conservation effort (~~for example, aquatic preserve buffer areas, Bunche Beach, etc.~~)

iii. Consider alternative means of land acquisition, such as supporting the efforts of nonprofit conservation land trust or acquiring development rights in lieu of full acquisition.

iv. Accept donations of land for nature preserves or other resource conservation areas with the following general conditions: if such lands contain ecologically valuable habitat and/or if public ownership of such lands would expand existing or provide increased preservation or resource conservation areas.

v. When acquiring property, determine the best entity to be responsible to implement a long-range management plan.

POLICY CON 1-~~6~~-B-4: Matanzas Pass Preserve:
Prepare for the transition of the long-term maintenance responsibility of the Matanzas Pass Preserve from Lee County to a partnership among the county, the town, and a local non-profit organization such as the Friends of the Matanzas Pass Preserve.

~~i. Reinforce and support the efforts of the non-profit organization to expand the voluntary community-based portion of the operation and maintenance of the preserve. Assist their efforts to implement the restoration plan (which includes site preparation, revegetation, and long-term management) and future improvements including new foot trails, repairing and extending boardwalks, providing a canoe/kayak access point, and adding a fishing pier/observation deck. This assistance may take the form of seeking grant funds, lending technical assistance, providing equipment (either directly or through leases with the county), or partial funding.~~

~~ii. Negotiate an agreement with the county that assigns responsibilities for the long term maintenance, restoration, and improvement of the preserve, that reflects its status as both a county-wide and local amenity and its importance as natural habitat.~~

POLICY CON 1-~~6~~-B-5: Upland Habitat:
Preserve all remaining coastal strand and hammocks and improve the existing habitat through removal infestations of exotic plants and replanting with native species. ~~When these habitats are in private ownership.~~

~~i. Land uses must not result in the degradation of the values and functions of adjoining and nearby wetlands.~~

~~ii. Beaches seaward of the 1978 Coastal Construction Control Line are designated on the Future Land Use Map as "Recreation" to preclude their use for further urban development.~~

~~iii. Known remaining coastal hammocks are designated on the Future Land Use Map as "Recreation" to preclude their use for further urban development.~~

OBJECTIVE CON 1-C: PROTECTING RESOURCES FROM NON-DEVELOPMENT ACTIVITIES

Develop policies to protect natural resources form non-development activities.

POLICY CON 1-C -1: Wetlands Improvements

Structures or facilities that will improve the functional value of wetlands or provide "no-impact" use for observation, education, research, or passage shall include such structures as public boardwalks, observation decks, or launching areas for non-motorized watercraft shall be conditionally permitted, as appropriate, in the land development regulations.

In accordance with Florida Statutes, the Town will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a state Environmental Resource Permit or exemption. However, no development approval shall be issued by the Town for any project which impacts wetland resources until all requisite permits from other agencies have been obtained and provided to the Town. All conditions placed on such permits shall be incorporated into the final development approval issues by the Town. Violations of such conditions shall be prosecuted through the Town's code enforcement procedures.

POLICY CON 1-C 2: Prohibitions On Excavation and Mining
Commercial excavation and mining activities are prohibited in the Town of Fort Myers Beach due to potentially detrimental effects to groundwater, surface water, wildlife habitats, and surrounding land uses and values.

POLICY CON 1-C-3: Offshore Gas and Oil Exploration
The Town of Fort Myers Beach opposes offshore gas and oil exploration and excavation activities which may be reasonably expected to threaten the quality of coastal beaches and estuarine ecosystems; or would place oil- or gas-related facilities on coastal beaches, islands, or wetlands; or would require the placement of oil or gas storage facilities on the island.

POLICY CON 1-C -4: Dredging Tidal Canals
The dredging of additional tidal canals is prohibited.

POLICY CON 1-C -5: Water and Sewer Connections and Septic Tanks
The Town shall require connection to central water and sewer systems. No permits shall be issued for new septic tanks within the Town of Fort Myers Beach.

GOAL CON 2: HEALTHY WILDLIFE HABITAT:

OBJECTIVE CON 2-A: PROTECTED SPECIES
The Town of Fort Myers Beach will protect and ensure the management of designated protected species in cooperation with local, state, and federal agencies.

POLICY CON 2-A-1: Additional Protections:
The Town shall assist in the application of state and federal regulations regarding listed species through activities such as:

i. Prohibit unmitigated development in and around areas designated as habitats, nesting areas, or feeding sites for wildlife listed as endangered or threatened.
ii. Provide information regarding listed species on properties undergoing development review.

iii. Withhold development approval until such time as all applicable state and federal permits pertaining to such species have been obtained and copies provided to the town.
]v. Cooperate with Lee County and other agencies in the establishment of mitigation parks and banks to allow this form of mitigation for local impacts to listed wildlife species and native communities.
vi. Support public education on the value of wildlife, native communities, and other natural resources through such means as brochures, newspaper articles, public presentations and workshops, and the placement of interpretive displays and development of observation trails at appropriate park sites.
vii. Encourage and provide technical assistance to volunteer and non-profit organizations such as Turtle Time, Estero Bay Foundation, Estero Bay Buddies, and the Friends of the Matanzas Pass Preserve in their conservation efforts.

POLICY CON 2-A-2: Bald Eagles:

Maintain Lee County's ordinance protecting bald eagle nesting habitat in case bald eagles begin nesting on Estero Island, and urge adherence during development activities to "Habitat Management Guidelines for the Bald Eagle in the Southern Region" prepared by the U.S. Fish and WILDLIFE Service which recommends a primary protection zone with a radius of 750 to 1500 feet around active nests in which no development should occur, and a secondary zone an additional 750 feet to a mile from the outer edge of the primary zone to remain undisturbed during the nesting seasons.

POLICY CON 2-A-3: Manatees:
Recognizing that the waters of the Town provide important habitat for the endangered West Indian manatee, the Town will cooperate with local, state, and federal agencies in the establishment of manatee protection programs, including designation, marking, enforcement of slow-speed manatee protection areas and restriction of activities known to adversely affect manatees. The Town waters or portions of Town waters, as properly marked and permitted through the Florida Fish and Wildlife Conservation Commission, are hereby established as all year slow speed manatee protection zones:

i. All waters of Matanzas Pass and Estero Bay east of a line that bears 360° from the northernmost tip (approximate latitude 26°27'56" North, approximate longitude 81°58'04"West) of Estero Island, and west and southwest of a line 1,000 feet east and northeast of and parallel to the general contour of the east and northeastern shorelines of Estero Island, and west of a line beginning at a point (approximate latitude 26°24'34" North, approximate longitude 81°53'03" West) on the eastern shoreline of Estero Island and bearing 36° to a point (approximate latitude 26°24'40" North, approximate longitude 81°53'00" West) on the southern shoreline of Coon Key, but excluding the portions of the marked North-South channel in northern Estero Bay from Green Channel Marker "37" (approximate latitude 26°26'02" North, approximate longitude 81°54'29" West) to Green Channel Marker "57" (approximate latitude 26°25'08" North, approximate longitude 81°53'29" West).
ii. All waters of Buccaneer Lagoon at the southern end of Estero Island.

POLICY CON 2-A-4: Gopher Tortoises:

The town's policy is to protect gopher tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with FGFWFC requirements.

POLICY CON 2-A-5: Sea Turtles:
To protect nesting and hatchling sea turtle on the beaches in the Town of Fort Myers Beach ("Town") by ensuring that their nesting habitat is not degraded by artificial light. The objective is to ensure artificial light does not interfere with sea turtle nesting and hatching events through the appropriate design and implementation of coastal lighting systems. In order to further the objective of full implementation, this article also includes provisions designed to educate residents and beach users in the town on the benefits of appropriate coastal lighting and provides for weekly inspections to ensure compliance with the acceptable lighting standards.

GOAL CON 3: GUIDELINES FOR NEW DEVELOPMENT
Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

OBJECTIVE CON 3-A: WETLANDS PROTECTION
Protect wetlands from development activities.

POLICY CON 3-A-1: Wetlands Definition:
Wetlands include tidal marshes, salt flats, and mangrove swamps that provide valuable habitat, buffering from storms, shoreline stabilization, and production of food for estuarine and coastal waters. The town will cooperate with state and agencies in the formulation, monitoring, and enforcement of regulations restricting activities that contribute to the destruction of wetlands and/or of the adjacent upland communities that cleanse stormwater inflows. Such potentially destructive activities include construction fill that encroaches on edges of canals and bay waters, dredging of boat basins and channels, use of seawalls, rip rap, and other similar forms of shoreline stabilization, ditching for mosquito control, and any filling or removal of mangrove systems.

POLICY CON 3-A-2: Wetland Boundaries
The Future Land Use Map provides a close approximation of wetland boundaries. Wetland regulations in this plan and in the land development regulations include all wetlands, even in not specifically shown on the Future Land Use Map, that are identified as wetlands in accordance per Florida Statute "Through the use of the unified state delineation methodology described, as ratified and amended by Florida Statue. If the Future Land Use Map is incorrect due to a clear factual error, an administrative process is contained to establish the precise boundary of any wetland.

OBJECTIVE CON 3-B: Protecting Dunes
Protect, maintain and improve dunes and beaches as recreation areas, valuable habitat, protection from storms, and areas of high scenic and aesthetic value. ~~The effect of the town's efforts may be a noticeable transition from today's manicured and compacted beach towards a naturally appearing and functioning beach. This transition will be accomplished through education, regulation, and assistance in physical restoration activities.~~

POLICY CON 3-B-1: Dune Walkover Structures
For any beachfront development approved after the adoption of this plan and for all public beach areas within the town, state-approved dune walk-over structures shall be required at appropriate crossing points. These same structures are also encouraged wherever pedestrians will be crossing dune areas. Minor structures includes, but is not limited to, pile- supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms

POLICY CON 3-B-2: Additional Protections for Dunes and Beaches
The following activities are prohibited to protect dunes and beaches:

i. Removal of dune vegetation and stabilization of submerged and exposed beach by artificial means other than replenishment with compatible sand.
ii. Excavation or destructive alteration of beach and dune systems. (Minimal disturbance necessary to accomplish approved beach restoration or renourishment activities or construct dune crossovers is allowable)
i. Plant appropriate vegetation such as sea oats wherever sand dunes have been destroyed.
ii. Undertake a management and maintenance program to control invasive exotic vegetation.
iii. Removal of dune vegetation and stabilization of submerged and exposed beach by artificial means other than replenishment with compatible sand.
iv. Excavation or destructive alteration of beach and dune systems. (Minimal disturbance necessary to accomplish approved beach restoration or renourishment activities or construct dune crossovers is allowable.)

POLICY CON 3-B-3: Sea Turtle Nests
All coastal construction projects, including beach restoration and renourishment, shall protect sea turtle nesting areas by limiting construction in dune and beach areas to non-nesting periods (except under emergency conditions). In historic shorebird nesting areas, construction must be completed prior to shorebird nesting. Protection zones shall be marked around sea turtle nests and shorebird nesting areas to ensure that construction activities landward of the dune and beach system are limited to the actual construction site.

POLICY CON 3-B-4: 50ft Buffer Between Structures
The town will promote the restoration of beach and dune systems to require that lots and parcels created after the adoption of this plan shall be of sufficient size and dimension to ensure a 50-foot buffer between any structures (except dune cross- overs) and the landward edge of the primary dune. This buffer shall remain in its natural state except for the minimum disturbance necessary to accommodate dune crossovers.

POLICY CON 3-B-5: Coastal Construction Line
Any construction activity seaward of the Coastal Construction Control Line not specifically approved by the DEP. Construction of artificial shoreline hardening structures is prohibited except for the emergency use of such structures constructed in compliance the Florida Statute

GOAL CON 4: MONITORING AND EDUCATION
Wetlands and the surrounding natural habitats will be protected, conserved, and monitored.

OBJECTIVE CON 4-A: Monitoring Natural Resources
Develop policies to monitor Fort Meyers Beach's natural resources.

POLICY CON 4-A-1: Evaluating Existing Regulations and Enforcement
In cooperation with other jurisdictions, evaluate the effectiveness of existing regulations and enforcement techniques in preserving the bay and estuary system.

POLICY CON 4-A-2: Monitor Water Quality
In cooperation with Lee County and other agencies, encourage continued water quality monitoring and identify sources of non-point water pollution, especially those found to be occurring from within the town. Develop a program to reduce or eliminate those pollution sources that may include education, regulation, and incentives, and follow-up enforcement.

POLICY CON 4-A-3: Surface Water Contamination
The Town shall comply the requirements of the National Pollutant Discharge Elimination System by prohibiting the discharge of runoff, wastewater, or other potential sources of contamination into surface waters which results in the degradation of the quality of the receiving water body below the applicable standards.

POLICY CON 4-A-4: Soil Erosion
Conserve and protect soils to reduce water and air pollution from wind and water erosion.

POLICY: CON 4-A-5: Monitoring Native Soil and Prevent Erosion
The Town shall implement the following measures to ensure conservation of native soils and prevention of erosion and its polluting impacts:

i. To reduce airborne pollutants and protect tidal waters from dust caused by wind erosion, adopt requirements for protecting cleared land during construction.
ii. Land clearing prior to issuance of a building permit or development order.
iii. An erosion control plan shall be submitted and approved by the town prior to the issuance of a development order. Such plan shall reference the property's topography, vegetation, and hydrology and utilize the best management practices such as the use of staked hay bales or filter cloth between the development site and adjacent swales, surface waters, or wetlands; sodding, seeding, or mulching immediately after final grading; and maintenance of vegetation following development activities in order to reduce the erosion by wind or water.

POLICY CON 4-A-6: Native Soils
The town shall implement the following measures to ensure conservation of native soils and prevention of erosion and its polluting impacts:

i. To reduce airborne pollutants and protect tidal waters
and adhere to the requirements for protecting cleared land during construction.
ii. An erosion control plan shall be submitted and approved by the town prior to the issuance of a development order and be in compliance with Fort Myers Beach code of ordinances and compliance with NPDES erosion control standards

POLICY CON 4-A-7: Air Quality

Continue to meet or exceed federal air quality standards based on monitoring results from state agencies.

POLICY CON 4-A-8: Information Sharing
Share information, data, and maps with other entities involved with conservation land acquisition and management through measures such as:

i. Cooperating with Lee County in the following activities:

• Maintaining a central clearinghouse for environmental studies and recommendations from public and private information sources. Compiling, maintaining, and regularly updating vegetation mapping, listed species, data regarding their habitat, and water resources data.

• Updating the Lee County Habitat Inventory Map using the county's Geographic Information System.

ii. Cooperate with Lee County and FGFWFC in maintaining an inventory of all native communities and natural habitats to aid in land-use decision-making, development approvals, and ranking of potential acquisitions

iii. Recommend and evaluate such additional measures as necessary to ensure their enforcement techniques in preserving the bay and estuary systems as described per Florida Statute: Florida Legislature has declared as "aquatic preserves" certain submerged lands and associated waters that are of "exceptional biological, aesthetic, and scientific value." These preserves are "set aside forever… for the benefit of future generations". Develop a clear approach for evaluating existing regulations and its ongoing enforcement for preserving the bay and estuary system.

OBJECTIVE CON 4-B-: EDUCATION:

POLICY CON 4-B-1: Conservation Programs Generally
Increase education access and protection. The town will develop educational programming for allowing appropriate access, protecting natural resources, and documenting and reporting violations of laws and regulations.

POLICY CON 4-B-2: Little Estero Island Critical Wildlife Area
In cooperation with state agencies, the town will aid in the stewardship of the Little Estero Island Critical WILDLIFE Area through activities such as:

i. Prohibit commercial activities within the defined boundaries of Little Estero Island.

ii. Support legislative measures as necessary to protect the long-term future of the preserve.

iii. Inform residents and visitors of the uniqueness and fragility of the island's habitats and identify funding for measures such as designating pedestrian trails and dune walkovers, adding information and interpretive signs, producing educational brochures, and conducting seminars to encourage proper use.

iv. Sponsor a volunteer task force to work with the Florida Game and Fish Water Fish Commission to oversee the daily stewardship of Little Estero Island through activities such as:

• Identify potentially destructive practices (such as mowing or raking on the shoreline, litter, boat traffic, low flying airplanes, disturbances from

vehicles and dogs, etc.) and determine appropriate methods to address them.

• Inform residents and visitors of the uniqueness and fragility of the island's habitats; plant shoreline vegetation to replace vegetation damaged by visitors or other unnatural causes; place and maintain interpretive signs; produce educational brochures; and conduct seminars to encourage proper use.

• Develop guidelines to protect the fragile environment of the preserve and, where appropriate, urge their adoption as land development regulations or part of the town's code of ordinances.

POLICY CON 4-B-3: Task Force Element

Create a local task force to coordinate and reconcile efforts of various organizations, governments, and businesses to promote long- term sustainability of the estuary. The task force would make recommendations to the town regarding issues such as:

i. Establishing restricted areas and other methods of controlling boat traffic in Estero Bay, particularly around rookery islands and seagrass beds.

ii. Locating a suitable launching point on the Gulf for use by personal watercraft to reduce traffic on the bay side.

iii. Adopting a ban on the commercial collection of live shells.

iv. Recommending capital projects to improve water quality.

v. Recommending regulations to protect local wate

GOAL CON-5: WATER SUPPLY

Protect the water supply.

OBJECTIVE CON-5-A: Water Supply

The City shall protect, monitor, and address issues to ensure quality and quantity of water supply and ensure continued supplies of drinking water of sufficient quantity and quality to meet the projected demands of all consumers and the environment.

POLICY CON-5-A-1: Water Conservation

The town will cooperate with emergency water conservation measures of the South Florida Water Management District.

POLICY CON-5-A-2: Purchasing Bulk Water

The town will continue to purchase bulk water from Lee County Utilities in lieu of providing an independent supply of potable water. Lee County Utilities considers the Town of Fort Myers Beach to be part of its potable water service area and has demonstrated its ability to expand raw water supply and treatment facilities to meet anticipated growth consistent with the 2017 Lower West Coast Water Supply Plan Update prepared by the South Florida Water Management District.

POLICY CON-5-A-3: Water Quality New Development

Maintain or improve estuarine water quality by requiring new development or redevelopment to meet the following standards:

i. Development shall not degrade the estuarine quality of Estero Bay below those standards established by the state for Class II Outstanding Florida Waters.

ii. Development shall not degrade surface or ground water quality below state standards established in Chapter 62-302 FAC for surface water; Chapter 52-520, for ground water; and Chapter 10D-6 for bathing places.

POLICY CON-5-A-4: Water and Wastewater Management
Incorporate into the land development code measures applicable to new development and redevelopment to encourage water and wastewater management such as low-volume irrigation systems, xeriscape landscaping techniques, potential hook-ups to re-use water systems, and use of other conservation and recycling techniques demands on groundwater.

Goal CON-6: Solid Waste
The Town will support solid waste management and disaster planning which protects the environment and promotes public health. The Town aspires to support conservation and local sustainability and resiliency efforts by ensuring that solid waste collection needs of the Town are reduced over time through actions that reduce the solid waste generation rate through recycling, yard waste reuse, and education.

Objective CON-6-A: Waste Management to Support Sustainability and Conservation

The Town shall ensure the regular collection, management, and maintenance of solid waste to protect the environment and public health.

Policy CON-6-A-1: The Town shall ensure the collection and management of residential, multifamily and commercial solid waste through municipal, contracted or Town-licensed haulers, and ensure the adequate management of waste streams.

Policy CON-6-A-2: The Town will provide receptacles and solid waste collection services, including recycling, on Town properties and in public places as appropriate.

Policy CON-6-A-3: The Town shall incorporate recycling programs with the goal of achieving 75% recycling of all waste in municipal buildings and offices by 2030.

Policy CON-6-A-4: The Town shall promote, endorse, and implement education and outreach programs on waste conservation, management, and diversion, including, as applicable, the promotion of recycling, beneficial reuse of yard waste, reuse and diversions.

Policy CON-6-A-5: The Town shall conduct regular maintenance and code enforcement to mitigate and abate solid waste impacts from disasters, including, but not limited to regular tree canopy trimming and storm preparation of public property.

Policy CON-6-A-6: The City will incorporate debris removal and management as a component of standard operating procedures for pre-disaster planning and post-disaster recovery efforts.

OBJECTIVE CON-6-B: Waste Reduction
The Town shall promote waste reduction to support a sustainable community.

Policy CON-6-B-1: Eliminating Plastics and Polystyrene
The Town shall consider the elimination of use of single use plastics and polystyrene by the Town, licensees operating on Town property, and users of Town facilities and at

permitted events on Town property.

Policy CON-6-B-2: Construction Waste
The Town shall strive to divert municipal construction and demolition waste as feasible.

Policy CON-6-B-3: Residential Composting
The Town shall assess the feasibility of implementing a residential composting program.

Policy CON-6-B-4: Commercial Waste
The Town shall encourage commercial waste reduction through policies or incentives, including Zero Waste programs.

Objective CON-6-C: Hazardous Waste

The Town shall coordinate with the appropriate entities ensure hazardous wastes are handled, collected, transported, stored, disposed of, and recycled in a manner that protects human health, safety, and the environment.

Policy CON-6-C-1: The Town shall support programs which aims to regulate small generators of hazardous wastes and reduce the volume produced in the Town.

Policy CON-6-C-2: The Town, in conjunction with Lee County and neighboring local governments, shall perform public outreach to inform residents of effective methods to minimize the use of, safely store, dispose of, and recycle hazardous waste products such as oils, solvents, and paints.

Policy CON-6-C-3: The Town shall encourage residents to deposit household hazardous waste at the appropriate collection centers.

~~POLICY 6-B-5 ADJACENT DEVELOPMENT – Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.~~

~~POLICY 6-B-6 RESOURCE MANAGEMENT PLANS – The town will participate with other agencies in preparing and implementing water management plans such as the Charlotte Harbor Management Plan, Surface Water Improvement and Management (SWIM) plans, Estero Bay Aquatic Preserve Management Plans, and similar efforts. The town will reevaluate its policies for protecting and enhancing natural resources upon a review of newly adopted or revised plan by other agencies.~~

~~POLICY 6-B-7 INVASIVE EXOTIC PLANTS – Invasive exotic plants may not be used to meet landscaping requirements for new development. Prohibited species shall be identified in the land development regulations.~~

~~POLICY 6-B-8 SEAWALLS – The town shall encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. Build~~

back of vertical seawalls will not be permitted along natural waterbodies if one or more of the following conditions exist:

i. Build back would cause excessive shoreline erosion or endanger shorelines of surrounding properties.

ii. Build back would threaten wetlands.

iii. Build back would be a threat to public safety or block access to state-owned land or beaches.

iv. Build back would be waterward of the existing seawall alignment on adjacent shorelines.

POLICY 6-B-9 ACQUISITION OF ADDITIONAL SITES – The town will strive to expand the opportunities for conservation and public appreciation of natural resources through acquisition of additional areas with rare or unique ecological or botanical features, or which provide access to such areas, through activities such as the following:

i. Identify specific sites that would be desirable for public acquisition.

ii. Support the efforts of other entities acquiring land that will contribute to the conservation effort (for example, aquatic preserve buffer areas, Bunche Beach, etc.)

iii. Consider alternative means of land acquisition, such as supporting the efforts of non-profit conservation land trust or acquiring development rights in lieu of full acquisition.

iv. Accept donations of land for nature preserves or other resource conservation areas with the following general conditions: if such lands contain ecologically valuable habitat and/or if public ownership of such lands would expand existing or provide increased preservation or resource conservation areas.

v. When acquiring property, determine the best entity to be responsible to implement a long-range management plan.

POLICY 6-B-10 INFORMATION SHARING – Share information, data, and maps with other entities involved with conservation land acquisition and management through measures such as:

i. Cooperating with Lee County in the following activities:

- Maintaining a central clearinghouse for environmental studies and recommendations from public and private information sources.
- Compiling, maintaining, and regularly updating vegetation mapping, listed species, data regarding their habitat, and water resources data.
- Updating the Lee County Habitat Inventory Map using the county's Geographic Information System.

ii. Cooperate with Lee County and FGFWFC in maintaining an inventory of all native communities and natural habitats to aid in land-use decision-making, development approvals, and ranking of potential acquisitions.

OBJECTIVE 6-C PROTECTED SPECIES – Increase cooperation with local, state, and federal agencies in protecting wildlife species listed as endangered, threatened, or of special concern, and conserve the habitats upon which they depend in order to maintain balanced, biologically productive ecosystems.

POLICY 6-C-1 PROTECTIVE MEASURES GENERALLY –
The town shall assist in the application of state and federal regulations regarding listed species through activities such as:

i. Provide information regarding listed species on properties undergoing development review.

ii. Withhold development approval until such time as all applicable state and federal permits pertaining to such species have been obtained and copies provided to the town.
iii. Cooperate with local, state, and federal agencies in developing species-specific Habitat Conservation Plans as authorize by the Endangered Species Act. Until such plans are developed, the town's criteria for approval of development proposals shall be consistent with the provisions of the listed species guidelines promulgated by the FGFWFC.
iv. Cooperate with Lee County and other agencies in the establishment of mitigation parks and banks to allow this form of mitigation for local impacts to listed wildlife species and native communities.
v. Support public education on the value of wildlife, native communities, and other natural resources through such means as brochures, newspaper articles, public presentations and workshops, and the placement of interpretive displays and development of observation trails at
appropriate park sites.
vi. Encourage and provide technical assistance to volunteer and non-profit organizations such as Turtle Time, Estero Bay Foundation, Estero Bay Buddies, and the Friends of the Matanzas Pass Preserve in their conservation efforts.

POLICY 6-C-2 BALD EAGLES – Maintain Lee County's ordinance protecting bald eagle nesting habitat in case bald eagles begin nesting on Estero Island, and urge adherence during development activities to "Habitat Management Guidelines for the Bald Eagle in the Southern Region" prepared by the U.S. Fish and Wildlife Service which recommends a primary protection zone with a radius of 750 to 1500 feet around active nests in which no development should occur, and a secondary zone an additional 750 feet to a mile from the outer edge of the primary zone to remain undisturbed during the nesting seasons. Nest trees should not be touched in any way by development activities unless the nest site has been de-classified by the FGFWFC.

POLICY 6-C-3 MANATEES – Recognizing that the waters of the town provide important habitat for the endangered West Indian manatee, the town will cooperate with local, state, and federal agencies in the establishment of manatee protection programs, including restriction of activities known to adversely affect manatees. The town shall cooperate in the designation, marking, and enforcement of slow-speed manatee protection areas. The town shall cooperate with Lee County in preparing and implementing a manatee protection plan, particularly in providing educational materials and programs to inform the town's boating population of the presence of manatees and of how to avoid destruction of manatee habitat and avoid manatee/boat collisions. The town supports the incorporation of the SWFRPC's 1995 marina siting study into Lee County's Manatee Protection Plan.

POLICY 6-C-4 GOPHER TORTOISES – The town's policy is to protect gopher tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with FGFWFC requirements.

POLICY 6-C-5 SEA TURTLES – The town shall prepare and adopt a new sea turtle ordinance by the end of 1998 to supersede Lee County's existing Sea Turtle Protection Ordinance. The new ordinance shall provide standards for coastal uses and development and shall prohibit, during sea turtle nesting season, any point source of light or any reflective surface of a light fixture being visible from the beach;
also, areas seaward of a frontal dune must not be directly, indirectly, or cumulatively illuminated. Other beach activities to be regulated include:

i. Beach raking, scraping, and other activities that unnecessarily compact the sand and/or damage dunes or prevent the re-creation of dunes;
ii. Unauthorized vehicular traffic on the beach;
iii. Storage of beach furniture, cabanas, jet skis, sailboats, and other equipment on the beach that may interfere with sea turtle nesting;
iv. Drainage of swimming pools, parking lots, and building roofs into point discharges directly onto the beach.

OBJECTIVE 6-D WETLANDS – Preserve all remaining wetlands; protect them from further degradation; and improve their condition and natural functions.

POLICY 6-D-1 Wetlands include tidal marshes, salt flats, and mangrove swamps that provide valuable
habitat, buffering from storms, shoreline stabilization, and production of food for estuarine and coastal waters. The town will cooperate with state and federal agencies in the formulation, monitoring, and enforcement of regulations restricting activities that contribute to the destruction of wetlands
and/or of the adjacent upland communities that cleanse stormwater inflows. Such potentially destructive activities include construction fill that encroaches on edges of canals and bay waters, dredging of boat basins and channels, use of seawalls, rip rap, and other similar forms of shoreline stabilization, ditching for mosquito control, and any filling or removal of mangrove systems.

POLICY 6-D-2 The Future Land Use Map provides a close approximation of wetland boundaries. Wetland regulations in this plan and in the land development regulations include all
wetlands, even in not specifically shown on the Future Land Use Map, that are identified as wetlands in accordance with F.S. 373.019 (17) through the use of the unified state delineation methodology described in FAC Chapter 62-340, as ratified and amended by F.S. 373.4211. If the Future Land Use Map is incorrect due to a clear factual error, an administrative process is contained in Chapter
15 to establish the precise boundary of any wetland.

POLICY 6-D-3 In accordance with F.S. 163.3184(6)(c), the town will not undertake an independent
review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a state Environmental Resource Permit or exemption. However, no development approval shall be issued by the town for any project which impacts wetland resources until all requisite permits from other agencies have been obtained and provided to the town. All conditions placed on such permits shall be incorporated into the final development approval issues by the town. Violations of such conditions shall be prosecuted through the town's code enforcement procedures.

POLICY 6-D-4 The following activities in and near wetlands may be desirable and are not forbidden by
this comprehensive plan:

i. Activities necessary to prevent or eliminate a public hazard, such as elimination of a dangerous curve in a road, dredging in order to clean up a spill of hazardous waste, or removal of underwater obstructions to boat traffic.
ii. Activities which provide a direct benefit to the public at large which would exceed any public loss as a result of the activity, such as removal of exotic species, restoration of

natural hydroperiods, impacts associated with the maintenance of existing drainage works, or providing water access that is open to the public.

iii. Resource-oriented activities such as passive recreation, outdoor education, or other uses where protection of wetland functions and values is the primary attraction.

iv. Structures or facilities that will improve the functional value of wetlands or provide "no-impact" use for observation, education, research, or passage (walking or non-motorized boats); these could include such structures as public boardwalks, observation decks, or launching areas for non-motorized watercraft.

POLICY 6-E-1 For any beachfront development approved after the adoption of this plan and for all
public beach areas within the town, state-approved dune walk-over structures shall be required at appropriate crossing points. These same structures are also encouraged wherever pedestrians will be crossing dune areas.

POLICY 6-E-2 All coastal construction projects, including beach restoration and renourishment, shall
protect sea turtle nesting areas by limiting construction in dune and beach areas to non-nesting periods (except under emergency conditions). In historic shorebird nesting areas, construction must be completed prior to shorebird nesting.

POLICY 6-E-3 The town will implement the following measures to promote the restoration of beach and dune systems:

i. Initiate a program to recreate a dune line and plant appropriate vegetation such as sea oats wherever sand dunes have been destroyed.

ii. Require the use of indigenous plants species for public and private dune restoration or renourishment projects.

iii. Require that lots and parcels created after the adoption of this plan shall be of sufficient size and dimension to ensure a 50-foot buffer between any structures (except dune cross-overs) and the landward edge of the primary dune. This buffer shall remain in its natural state except for the minimum disturbance necessary to accommodate dune crossovers.

iv. Undertake a management and maintenance program to control invasive exotic vegetation as a cooperative effort of the town and its citizenry.

v. Consider erosion control taxing/benefit units, grants, and other cost-sharing funding mechanisms to provide funds for beach renourishment and management projects (see Coastal Management Element for strategies on beach renourishment).

POLICY 6-E-4 The following activities are prohibited to protect dunes and beaches:

i. Removal of dune vegetation and stabilization of submerged and exposed beach by artificial means other than replenishment with compatible sand.

ii. Excavation or destructive alteration of beach and dune systems. (Minimal disturbance necessary to accomplish approved beach restoration or renourishment activities or construct dune cross-overs is allowable under this policy.)

iii. Operation of motor vehicles on beaches and dunes (except in association with law enforcement activities, emergency medical services, public land/resources management, state-licensed sea turtle monitoring, once-daily delivery and pickup of beach equipment, minimal cleaning of litter and of excessive accumulations of natural debris, or as necessitated by an approved restoration, renourishment, or emergency project).

iv. Any construction activity seaward of the Coastal Construction Control Line not

specifically approved by the DEP.v. Construction of artificial shoreline hardening structures except the emergency use of such structures constructed in compliance with Chapter
161, F.S. If a hardened structure is absolutely necessary along the beach, riprap revetments are preferred. New seawalls are not permitted.

OBJECTIVE 6-F AIR QUALITY – Continue to meet or exceed federal air quality standards based on monitoring results from state agencies.

POLICY 6-F-1 Ensure that the town's land development regulations do not include any disincentives to the use of clean alternative energy sources such as active and passive solar technology.

POLICY 6-F-2 Reduce automobile emissions through programs developed in the Transportation Element to reduce single-occupant automobile trips. Mobility alternatives include increased ridership on the trolley system; introduction of an electric tram system throughout the Island, incentives for visitors to park off-island or park once on-island, a water taxi or water shuttle system; and an interconnected system of bicycle and pedestrian paths.

POLICY 6-F-3 Establish criteria for any new facility that would require an air quality permit including monitoring procedures to supplement those provided by the state and enter into agreements with Lee County and other relevant agencies to ensure that the town's concerns are addressed during the permitting stages of potential point source pollution generators.

OBJECTIVE 6-G SOIL EROSION – Conserve and protect soils to reduce water and air pollution from wind and water erosion.

POLICY 6-G-1 The town shall implement the following measures to ensure conservation of native soils and prevention of erosion and its polluting impacts:

i. To reduce airborne pollutants and protect tidal waters from dust caused by wind erosion, adopt requirements for protecting cleared land during construction.
ii. Land clearing prior to issuance of a building permit or development order.....
iii. An erosion control plan shall be submitted and approved by the town prior to the issuance of a development order. Such plan shall reference the property's topography, vegetation, and hydrology and utilize the best management practices such as the use of staked hay bales or filter cloth between the development site and adjacent swales, surface waters, or wetlands; sodding, seeding, or mulching immediately after final grading; and maintenance of vegetation following development activities in order to reduce the erosion by wind or water.

OBJECTIVE 6-H WATER QUALITY – Improve the water quality and economic value of the water bodies surrounding the Town of Fort Myers Beach beyond the levels existing in 1997.

POLICY 6-H-1 As an integral part of the Estero Bay estuary system, the town shall take all feasible measures in an intergovernmental effort to protect, maintain, and improve water quality in Estero Bay.

POLICY 6-H-2 No garbage or untreated sewage shall be discharged into tidal waters.

POLICY 6-H-3 Maintain or improve estuarine water quality by requiring new development or redevelopment to meet the following standards:

i. Development shall not degrade the estuarine quality of Estero Bay below those standards established by the state for Class II Outstanding Florida Waters.

ii. Development shall not degrade surface or ground water quality below state standards established in Chapter 62-302 FAC for surface water; Chapter 52-520, for ground water; and Chapter 10D-6 for bathing places.

POLICY 6-H-4 In cooperation with Lee County and other agencies, encourage continued water quality monitoring and identify sources of non-point water pollution, especially those found to be occurring from within the town. Develop a program to reduce or eliminate those pollution sources that may include education, regulation, and incentives, and follow-up enforcement.

POLICY 6-H-5 The town will implement the measures adopted in the Stormwater Management Element to reduce the polluting impacts of stormwater runoff.

POLICY 6-H-6 The town shall comply the requirements of the National Pollutant Discharge Elimination
System by prohibiting the discharge of runoff, wastewater, or other potential sources of contamination into surface waters which results in the degradation of the quality of the receiving water body below the applicable standards.

OBJECTIVE 6-I WATER SUPPLY – Ensure continued supplies of drinking water of sufficient quantity and quality to meet the projected demands of all consumers and the environment.

POLICY 6-I-1 **Incorporate into the land development code measures** applicable to new development and
redevelopment to encourage water and wastewater management such as low-volume irrigation systems, xeriscape landscaping techniques, potential hook-ups to re-use water systems, and use of other conservation and recycling techniques.

POLICY 6-I-2 The town will cooperate with emergency water conservation measures of the South Florida Water Management District.

POLICY 6-I-3 The town will continue to purchase bulk water from Lee County Utilities in lieu of providing an independent supply of potable water. Lee County Utilities considers the Town of Fort Myers Beach to be part of its potable water service area and has demonstrated its ability to expand raw water supply and treatment facilities to meet anticipated growth consistent with the 2005–2006 Lower West Coast Water Supply Plan Update (prepared by the South Florida Water Management District).

OBJECTIVE 6-J GROUNDWATER – Maintain the quality of groundwater resources and improve as necessary to meet state or federal standards.

POLICY 6-J-1 Commercial excavation and mining activities are prohibited in the Town of Fort Myers
Beach due to potentially detrimental effects to groundwater, surface water, wildlife habitats, and surrounding land uses and values.

POLICY 6-J-2 The Town of Fort Myers Beach opposes offshore gas and oil exploration and

~~excavation activities which may be reasonably expected to threaten the quality of coastal beaches and estuarine ecosystems; or would place oil- or gas-related facilities on coastal beaches, islands, or wetlands; or would require the placement of oil or gas storage facilities on the island.~~

~~POLICY 6-J-3 The dredging of additional tidal canals is prohibited.~~

~~POLICY 6-J-4 The town shall support Lee County's programs to property dispose of hazardous wastes.~~

~~POLICY 6-J-5 The town shall require connection to central water and sewer systems to eliminate demands on groundwater and reduce the potential for contamination from septic tanks.~~

~~POLICY 6-J-6 Identify any remaining septic tanks and require their use be discontinued~~

CAPITAL IMPROVEMENTS ELEMENT

~~GOALS - OBJECTIVES - POLICIES~~
~~Capital Improvement Program~~

~~Based on the analysis of capital improvements issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:~~

GOAL ~~11~~ CIP-1: To provide major public improvements that help create the safe and beautiful community envisioned in this comprehensive plan.

OBJECTIVE ~~11-A~~ CIP-1-A CAPITAL IMPROVEMENTS PROGRAM

~~Adopt e~~Each year, as part of the budget process, a capital improvements program (CIP) ~~that implements this plan, ensures the availability of services at adopted levels, and carries out the fiscal policies in this element.~~ shall be adopted to achieve and maintain level of service standards identified in the Comprehensive Plan, correct existing deficiencies, accommodate future growth, and provide for necessary replacements, as required.

POLICY ~~11-A-1~~ CIP-1-A-1 Role of the CIP
As a part of the town's annual budget process, the town shall adopt a Capital Improvements Program every year that identifies all proposed capital expenditures for the ensuing five-year period, identifies the revenues to fund the expenditures, and describes each project's compliance ~~with the criteria in Policy 11-A-4 below~~. The proposed CIP shall be balanced, with the proposed expenditures not greater than the amount of revenues available to fund the expenditures. ~~A list of projects that are needed, but unfunded, may be included as an attachment to the balanced~~ CIP. Once adopted, the new five-year schedule of capital improvements shall annually be incorporated into the Capital Improvements Element.

POLICY ~~11-A-2~~ CIP-1-A-2: CIP Process
The Capital Improvements Program shall be prepared, adopted, and amended according to the following process:

i. The proposed CIP shall be developed by the Town Manager based on a review of existing facilities, level of service standards, current and projected deficiencies, and the capital needs as identified in this comprehensive plan.
ii. The proposed CIP shall be reviewed by the Local Planning Agency (LPA) which shall consider the consistency of all proposed CIP expenditures with this comprehensive plan.
iii. After reviewing the report of the LPA, the Town Council shall modify the CIP as needed and adopt it by resolution inconjunction with the annual budget.
iv. After its adoption, the CIP may be amended by resolution of the Council. All changes to the CIP must be consistent with this comprehensive plan.

POLICY ~~11-A-3~~ CIP-1-A-3: CIP Fiscal Policies
All projects included in the CIP should be evaluated for financial feasibility, their impact on the town's budget, and the town's ability to operate the facility. Operating costs associated with public facilities and services programmed in the CIP shall be incorporated into the town's operating budget. The capital portion of the annual budget shall be consistent with the first year of the adopted CIP. Where an amendment to the CIP affects the first year, the annual operating budget shall also be amended to remain consistent with the CIP.

POLICY ~~11-A-4~~ CIP-1-A-4: CIP Priorities

The following priorities shall be used in determining which projects are included in the CIP:

i. ~~Remove a direct and immediate threat to~~ the public health or safety; Protect public health and provide safety and remove direct and immediate threats.
ii. Capital Improvements that ~~A~~are directed by a court order orotherwise by law.
iii. Capital Improvements that ~~A~~are essential for the maintenance of existing infrastructure and associated level of service standards.
iv. Remove an existing capacity deficiency; Capital improvements needed to correct existing deficiencies.
v. Capital Improvements that ~~W~~will accommodate new development or redevelopment anticipated by this plan.
vi. Capital improvements required by a State or federal mandate.
vii. Projects that advance existing Town approved plans
viii. Capital improvements that provide economic benefit by reducing operating and/or maintenance costs.
ix. Projects that will address sea level rise, flooding, energy efficiency, water quality, water efficiency or other sustainability measures.

POLICY ~~11-A-5~~ CIP-1-A-5 Other CIP Criteria

For the purpose of further ranking projects that are otherwise equal, the following should be considered:

i. Priorities found elsewhere in the comprehensive plan.
ii. Whether the ~~facility~~ project is needed to satisfy a level of service standard in this plan.
iii. Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector.
iv. The revenue generating potential of the project.
v. Whether the project leverages additional benefits to the town, such as offers to donate land or services by the private sector and/or other governmental entities.

POLICY ~~11-A-6~~ CIP-1-A-6 Capital Improvement Defined

A “capital improvement” is a project to acquire, build or improve a major asset ~~that will have~~ in order to preserve long-term value, such as sidewalks, roads, landscaping, beach renourishment, parks, and nature preserves. Capital improvements usually have a determined value of at least $10,000 and may include planning and design studies that will lead to a physical improvement.

POLICY ~~11-A-7~~ CIP-1-A-7 Schedule Of Improvements

Table ~~11-7~~ of this element presents the five-year schedule of capital improvements ~~to~~ be undertaken by the Town of Fort Myers Beach. This schedule will be updated each year through an amendment to this plan to correspond with revisions to the capital improvements program made by the town during its annual budget process

i. To comply with the Florida Statue, the required five-year schedule of capital improvements also includes the capacity enhancing school improvements and

summary of estimated revenues as presented by the Lee County School District through its Five-Year District Facilities Work Program, ~~as updated each September. For FY 2008/09 through 2012/13, the specific capacity-enhancing school improvements are listed in Table 16-7 of the Public Schools Element and the formal demonstration that those improvements meet all requirements ofstate law is set forth in that element.~~

ii. To comply with § 163.3177(3)(a)5, F.S., any capital improvements that Lee County Utilities needs to construct to achieve or maintain the potable water level of service in this plan during the next five years will be included in the town's five-year schedule of capital improvements.

OBJECTIVE ~~11-B~~ CIP-1-B LEVEL-OF-SERVICE STANDARDS
Adopt and maintain a concurrency management system that ensures that public facilities are provided in accordance with the adopted level of service (LOS) standards for potable water, sanitary sewer, solid waste, stormwater, recreation, and transportation.

POLICY ~~11-B-1~~ CIP-1-B-1: Utilities LOS Standards
~~(Repeated from Policy 8-B-1 of the Utilities Element):~~ The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:

i. for potable water service:

(a) Available supply, treatment, and delivery capacity of 260 gallons per capita day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.

(b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new developmentat these same rates.

ii. for sanitary sewer service: available capacity to collect, treat, and dispose of wastewater of 200 ~~175~~ gallons per day per capita per equivalent residential connection (ERC)~~.~~ and 160 gallons per day per multi-family or mobile home park unit.

iii. for solid waste disposal service: the ability to collect and manage 7 pounds of municipal solid waste per person per day.

POLICY ~~11-B-2~~ CIP-1-B-2: Stormwater LOS Standards {Storm Water Master Plan}
(~~Repeated from Policy 9-D-1 of the Storm-water Management Element):~~ Until completion of the evaluation under Stormwater Management Element ~~Policy 9-F-1 to 6~~, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

i. During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.

ii. During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be

flooded.

iii. During coastal flooding of up to 4.0 feet above mean sea level, all lanes of evacuation routes should remain passable. Emergency shelters should not be flooded.

POLICY ~~11-B-3~~ CIP-1-B-3: Recreation LOS Standard

(~~Repeated from Policy 10-D-3 of the Recreation Element):~~ The town adopts the following standard for community parks: for each 7,500 permanent residents, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketball courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities.

i. The Town shall adopt and maintain a measured level of service standards for parks, recreation and open space facilities upon completion of and in accordance with the Master Recreation Plan. As needed, the Town will arrange for interlocal agreements to provide additional facilities.

POLICY ~~11-B-4~~ CIP-1-B-4: Transportation LOS Standard

(~~Repeated from Policy 7-I-2 of the Transportation Element):~~ The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level of service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do notexceed that level for more than four calendar months in any continuous twelve-month period. Measurements fromthe permanent count station at Donora Boulevard shall be used for this standard.

POLICY ~~11-B-4-5~~ CIP-1-B-5: Public School Los Standard

~~Repeated from Policy 16-B-1 of the Public Schools Element):~~ The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

~~i. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.~~

~~ii. Middle Schools: 100% of permanentcapacity as adjusted by the school district annually to account for measurable programmatic changes.~~

~~iii. High Schools: 100% of permanentcapacity as adjusted by the school district annually to account for measurable programmatic changes.~~

~~iv. Special Purpose Schools: 100% of permanent capacity as adjusted by theschool district annually to account for measurable programmatic changes.~~The uniform, district-wide LOS shall be 110 percent of the permanent Florida Inventory of School Houses (FISH) capacity for each elementary, middle and high school.

v. "Permanent capacity" of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district's South Student Assignment Zone, as depicted in Figure 3 of the Public Schools element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education's Office of Educational Facilities. "Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, butnot limited to, double sessions, floating teachers, year-round schools, and special educational programs.

vi. Educational Facilities Plan (DEFP) shall contain a five year financially feasible schedule of capital improvements to address existing deficiencies and achieve

and maintain the adopted LOS in all concurrency service areas. This financially feasible schedule shall be updated on an annual basis and annually adopted into the CIE.

OBJECTIVE CIP-1-C CONCURRENCY

The town will enforce concurrency requirements to mitigate impacts of new development on infrastructure and services.

~~POLICY 11-B-5~~ POLICY CIP-1-C-1: CONCURRENCY REQUIREMENTS

The Town will enforce ~~these levels of service under the~~ concurrency ~~requirements of Florida law~~ by:

i. Withholding development orders or building permits that might cause the adopted levels of service to fall belowthe minimum standards; or by

ii. Issuing development orders or building permits subject to the condition that, at the time of the issuance of a certificate of occupancy,the necessary facilities and services must be in place and available to serve the development being authorized (or are guaranteed to be in place through an enforceable development agreement pursuant to Section163.320 FS or through an agreement or development order pursuant to Chapter 380 FS).
However, for parks/recreation, transportation, and public schools, the following requirements will apply:

iii. For parks and recreation, the facilities needed to serve new development must be in place or under actual construction within 1 year after issuance of a certificate of occupancy; any required acreage must meet the requirements of 163.3180(2)(b), Florida Statutes.

iv. For transportation, the facilities needed to serve new developmentmust be in place when a building permit is issued, or under actual construction within 3 years after issuance of a building permit that results in traffic generation if the required facility ~~is listed in Table 11-7~~, is included in the Five-Year Schedule of Capital Improvements.

v. ~~For public schools, the facilities needed to serve new development must be in place when a final site plan is issued; or under actual construction within 3 years after issuance if the required facility is listed in Table 11-7, the Five-Year Schedule of Capital Improvements; or mitigation may be accepted by the school district in accordance with the Public Schools Element of this plan.~~ Consistent with the Interlocal Agreement, the uniform, district-wide level of service standards shall be based upon the Florida Inventory of School Houses (FISH) maintained by the Department of the Education (DOE).

~~POLICY 11-B-6 CONCURRENCY MANAGEMENT SYSTEM – The town's concurrency management system shall comply with the revisions of Rule 9J-5.0055 FAC to include:~~

~~i. The town's commitment to maintain the adopted level-of-service standards for potable water, sanitary sewer, solidwaste, stormwater, recreation, and transportation.~~

~~ii. The town's commitment that future CIPs and amendments to this element maintain this element's financially feasible plan to maintain these levels of service.~~

~~iii. A system for monitoring and ensuring adherence to the adopted level-of-service standards, the schedule of capital improvements, and the availability of public facility capacity.~~

~~Standards for interpreting and building permits and specifying when the test~~

for concurrency must be met (which will be no later than issuance of a development order or permit which contains a specific plan for development, including densities and intensities).

iv. The concurrency management system shall be implemented through the Land Development Code and ensure that development orders and building permits that are issued will not result in a reduction in the levels of service below the adopted levels of service.

POLICY 11-C-2 CIP-1-C-2: Annual Concurrency Assessment

The town manager shall annually prepare a formal assessment of the current status of the adopted level of service standards, including existing usage of public facilities.

i. available capacity (committed oruncommitted); and

ii. additional public facilities that are being planned.

Based on this assessment, the Town Council shall determine after a public hearing whether there is cause to withhold or condition building permits ordevelopment orders during the following year. Such action, as updated periodically by the Town Council, shall empower the issuance of development permits where this assessment reasonably demonstrates that sufficient capacity will be available toserve all development that is reasonably expected to occur during the period of time approved by the town council. This assessment and its conclusions shall be published by the town at least annually.

POLICY 11-B-8 CONCURRENCY SHORTFALLS

Should the annual concurrency assessment indicate problems with maintaining one or more of the adopted level-of-service standards during the coming year, the Town Council shall immediately take one or more of the following actions:

i. initiate a comprehensive plan amendment to modify the adopted level of service; or determine which types of developmentpermits will have significant impacts on service levels, direct that such permits shall not be granted or shall begranted conditionally (with occupancydependent upon achievement of the adopted level of service), and set a schedule for the re-assessment of that level of service; or

ii. immediately begin or accelerate capitalimprovements or other measures to offset any apparent deficiencies in levels of service. Examples would include upgrading potable water lines to improve water pressure; increasing sewage disposal or solid waste capacity; improving drainage or elevating evacuation routes at problemlocations; adding recreational facilities;or improving public transit service, bicycle routes, and/or sidewalks to improve non-vehicular mobility.

The third alternative just listed is the preferred response of the Town of Fort MyersBeach to deficiencies in an adopted level-of-service, provided that the minimum concurrency requirements of this plan and state law are still met.

POLICY 11-B-9 CONCURRENCY DEFERRALS AND EXEMPTIONS — The town's concurrency management system shall allow deferrals and exemptions only as follows:

i. Some types of development applications do not contain a specific plan for development or authorize any actual development. Such applications shall not approve for concurrency compliance until a later stage of approvals where such impactscan be measured and then deducted from available capacity. The town may, however, evaluate probable con-currency impacts at these earlier stages as one factor in determining whether to approve such activities.

~~ii. Development applications will be exempted from the concurrency management system only if they will create zero or insignificant impacts on public facilities; any such exemptions shall be defined in the Land Development Code.~~

POLICY ~~11-C-3~~ CIP-1-C-3: Concurrency Application

The Town's concurrency management system shall be administered in accordance with the ~~remainder of the~~ Land Development Code. The preparation of the annual concurrency assessment shall be the responsibility of the Town Manager, and all decisions resulting from that assessment shall be made directly by the Town Council.

OBJECTIVE ~~11-D~~ CIP-1-D CAPITAL FINANCING POLICIES

Manage the fiscal resources of the town to ensure the equitable financing of needed public facilities and services.

POLICY ~~11-D-1~~ CIP-1-D-1 Existing Development

Existing development shall be responsible for the costs of repairing and replacing existing public facilities and for capital improvements ~~needed to eliminate pre 1998 deficiencies~~. This responsibility shall be discharged through the payment of property taxes, utility fees, gas taxes, sales taxes, user fees, and taxes and fees.

POLICY ~~11-D-2~~ CIP-1-D-2 New Development

New development and redevelopment shall beara proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain service levels through payment of impact fees, connection fees, site-related developer dedications, developer contributions, and other lawfully imposed charges.

POLICY ~~11-D-3~~ CIP-1-D-3 Impact Fees

Impact fees for designated public facilities shall be set to capture a substantial proportion of the full and real cost of the designated facility and shall be reviewed and updated regularly.

POLICY ~~11-D-4~~ CIP-1-D-4 General Fund

The town will develop specific policies as to the use of general governmental revenues for capital purposes, such as setting aside each year aportion of ad valorem taxes or other general revenues (such as sales taxes, gas taxes, or utility service taxes) for capital improvements.

POLICY ~~11-D-5~~ CIP-1-D-5 Grants

The town will actively seek grants from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations and restrictions involved insuch grants.

POLICY ~~11-D-6~~ CIP-1-D-6 Internal Consistency

Amendments and updates to the CIP and this Capital Improvements Element shall continue to support the Future Land Use Element, be consistent with all other elements of the comprehensive plan, andwhere appropriate, be consistent with all other state and regional plan.

INTERGOVERNMENTAL COORDINATION

GOAL IGC~~14~~: To efficiently coordinate plans, policies, and public services among the many public and private agencies that play important community roles.

OBJECTIVE IGC-A~~14-A~~COORDINATION OF PLANS — Ensure coordination of this comprehensive plan with comprehensive plans of Lee County and the Lee County School Board, other units of local government providing services but not having regulatory authority over the use of land, and with regional and state plans.

POLICY IGC- ~~14-~~A-1 The town will coordinate planning activities called for by this comprehensive plan with other local governments, the school board, other units of local government providing services but not having regulatory authority over the use of land, the regional planning council, and the state through informal coordination, working groups, workshops, joint meetings of governing boards, participation in coordinating organizations, special task forces, and by formal interlocal agreements as the need arises.

POLICY IGC- ~~14-~~A-2 In the areas where the town's comprehensive plan addresses the subject matter of the State Comprehensive Plan in Chapter 187 F.S. and/or the ~~1995~~ 2002 Southwest Florida Strategic Regional Policy Plan, the town's plan has been designed to be compatible with and further these plans. Future amendments to this plan shall maintain this compatibility. The town will incorporate into the land development code appropriate regulations to further attain mutually held objectives.

POLICY IGC- ~~14-~~-A-3 Where conflicts with other entities cannot be resolved through discussion among those concerned or other means, the town shall consider resolution through interlocal agreements and/or the informal mediation process of the Southwest Florida Regional Planning Council.

POLICY IGC- ~~14-~~-A-4 Pursuant to the 1996 amendments to Chapter 163.3177 F.S., the town shall cooperate with the Lee County and other municipalities within the county, the Lee County School Board and any unit of local government providing services in the county in the following activities:

i. Developing principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plans;
ii. Describing joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance

The town will cooperate in establishing, by interlocal or other formal agreement executed by all affected entities, the joint processes described above, pursuant to the schedule to be established by the state land planning agency.

POLICY IGC- ~~14-~~-A-5 The town will coordinate with Lee County and the South Florida Water Management District to ~~insure~~ ensure that this Comprehensive Plan remains consistent with Lee County's Water Supply Facilities Work Plan ~~(last updated in July 2008)~~ and SFWMD's 2017~~2005–2006~~ Lower West Coast Water Supply Plan ~~Update (approved on July 12, 2006)~~. The town commits to updating this Comprehensive Plan in accordance with statutory timeframes, ~~which in 2009 required this update within 18 months after SFWMD updates or amends its 2006 Lower West Coast Water Supply Plan Update.~~

OBJECTIVE IGC-B COORDINATION OF SERVICES — Ensure coordination among relevant entities in establishing level-of-service standards for public facilities, providing for efficient delivery of services, monitoring progress toward goals, and constructing improvements.

POLICY IGC- ~~14-~~-B-1 Along Old San Carlos and Estero Boulevard, ~~T~~the town would like to see major power lines placed underground to protect the lines, to avoid interruptions to evacuation due to fallen lines, and to improve the visual experience for tourists and residents.

POLICY IGC- ~~14~~--B-2 Level-of-service standards for public facilities, as specified in Policies 2-A through 2-D of the Capital Improvements Element, have been coordinated with the level-of-service standards of entities operating these facilities. Future amendments to these standards shall be similarly coordinated.

POLICY IGC- ~~14~~--B-3 To foster coordination with special districts, the town shall review the annual public facilities report prepared by special districts pursuant to Section 189.415, F.S.

POLICY IGC- ~~14~~--B-4 The Town Council shall appoint a committee by 1999 to evaluate the relationship between the town and the three independent special districts and suggest whether efficiencies could be achieved through closer cooperation.

POLICY IGC- ~~14~~--B-5 The town shall continue to cooperate with Lee County's process of monitoring for conflicts in level-of-service standards for public facilities, and shall help resolve any conflicts.

POLICY IGC- ~~14~~--B-6 The town shall work closely with public and private service providers to coordinate expected utility improvements with roadway projects and/or become a party to the county's interlocal agreement with such entities.

POLICY IGC- ~~14~~--B-7 The town shall seek a significant role in policy matters concerning Lee County Utilities' sewer service, based on the town's dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.

OBJECTIVE IGC- ~~14~~-C COORDINATION OF NEW DEVELOPMENT — Work closely with Lee County in evaluating and addressing the effects of new development.

POLICY IGC- ~~14~~-C-1 ~~During 1998, resolve the current~~ Resolve any ambiguity over the county's and town's roles in collecting and spending road impact fees.

POLICY IGC- ~~14~~-C-2 In cooperation with Lee County, establish a process and enter into interlocal agreements as needed to address the following:

i. Impacts of proposed new development or re-development in Lee County outside the town's boundaries which may impact the town's levels of service, natural resource standards, evacuation times, or other significant impacts.
ii. Impacts, if any, of development proposed in the town's comprehensive plan upon development in the adjacent county area.
iii. Resolution of annexation issues that may arise.
iv. Implementation of joint planning areas and/or joint infrastructure service areas.
v. Procedure for notification and exchange of information regarding changes in land use or zoning and/or other issues potentially affecting the area adjacent to the town's boundaries.

OBJECTIVE IGC- ~~14~~-D COORDINATION OF IMPLEMENTATION — Promote cooperative solutions to multi-jurisdictional problems and opportunities through active participation in coordinating entities, strengthening coordination mechanisms, leading by example (particularly through timely implementation of the policies of the town's comprehensive plan), and fostering community involvement in implementing this plan.

POLICY IGC- ~~14~~-D-1 The town shall continue to participate actively in the Lee County Metropolitan Planning Organization and ~~intends to join~~ the Southwest Florida Regional Planning Council.

POLICY IGC- ~~14~~-D-2 The town shall continue to participate in relevant coordinating entities sponsored by the regional planning council such as:

i. Southwest Florida Chief Administrative Officers
ii. Regional Harbor Board
iii. Estero Bay Agency on Bay Management
iv. Beach Restoration working group convened by WCIND, SWFRPC, and Lee County Coastal Advisory Council
v. Southwest Florida Issues Group of the Governor's Commission for a Sustainable South Florida
vi. Charlotte Harbor National Estuary Program

POLICY IGC- ~~14~~-D-3 The town shall continue to foster close cooperation among WCIND, SFWMD, DEP, FGFWFC, DCA, other state and federal agencies as appropriate, Lee County, local task forces, non-profit organizations and volunteer groups to implement the policies of the town's comprehensive plan.

POLICY IGC- ~~14~~-D-4 The town shall actively participate in efforts that promote the consistent and coordinated management of bays, estuaries, and harbors that fall under the jurisdiction of more than one local government through the entities described in Policies 5- D-1/2/3 and specifically by implementing Policy 5-F-1 of the Coastal Management Element initiating a cooperative planning process for Matanzas Pass and surrounding waterways by 1998.

POLICY IGC- ~~14~~-D-5 The town shall coordinate implementation of the comprehensive plan with the programs and permitting requirements of all relevant regional, state, and federal agencies and shall support the regulatory and enforcement efforts of those agencies by requiring applicants for development orders to obtain approval from these other agencies prior to the city's authorizing commencement of development activities.

POLICY IGC- ~~14~~-D-6 The town will continue cooperating with Lee County over appropriate long-term responsibilities, cost sharing, and the transition process for county-owned facilities within the jurisdictional boundaries of the town, formalizing resolution of these matters through interlocal agreements.

POLICY IGC- ~~14~~-D-7 The town shall continue to coordinate informally with the Fort Myers Beach Elementary School and the Fort Myers Beach Library District to address mutual needs.

POLICY IGC- ~~14~~-D-8 The town will exchange information with the Fort Myers Beach Fire Control District and solicit input from the fire district on development proposals.

POLICY IGC- ~~14~~-D-9 The town will consider joining the Lee County Regional Water Supply Authority.

POLICY IGC- ~~14~~-D-10 Should the need for a new permanent dredge spoil disposal site arise, the town will coordinate with Lee County and the West Coast Inland Navigational District and resolve conflicts between the town and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committee's dispute resolution process.

UTILITIES ELEMENT

GOAL U-1~~8~~: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.

OBJECTIVE U-1-~~8~~-A RELATIONS WITH UTILITIES — Increase the town's role in influencing utility providers about service alternatives, facility locations, and conservation of resources.

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

POLICY U-1-~~8~~-A-2 When considering improvements to utility systems, utility companies should expect involvement by the ~~town~~ Town in evaluating alternatives and seeking the best interests of utility customers and other people and resources affected by those decisions.

POLICY U-1-~~8~~--A-3 The ~~town~~ Town shall seek a significant role in policy matters concerning Lee County Utilities' sewer service, based on the ~~town's~~ Town's dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.

POLICY U-1-~~8~~--A-4 The ~~town's~~ Town's potable water supply distribution system is supplied by Lee County Utilities under terms set forth in a bulk water agreement approved in August 2001. Lee County Utilities has a long-term expansion plan that details existing and proposed uses of traditional and alternative water supply sources, in accordance with SFWMD's Lower West Coast Water Supply Plan Update (~~July~~ ~~2006~~ December 2016). Lee County Utilities' expansion plan, the Water Supply Facilities Work Plan, was last updated in ~~July~~ ~~2008~~ January 2016 and is incorporated herein by reference.

POLICY U-1-~~8~~--A-5 The ~~town~~ Town shares a common interest with Lee County government in ensuring that potable water supplies will be sufficient to meet future demands. The ~~town~~ Town will coordinate with Lee County on an ongoing basis on the following matters:

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

OBJECTIVE U-1-~~8~~-B LEVELS OF SERVICE — Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.

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

i. **for potable water service:**

(a) available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.

(b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new development at these same rates.

ii. **for sanitary sewer service:** available capacity to collect, treat, and dispose of wastewater of 200 ~~175~~ gallons per day per equivalent residential unit (ERU) or individually metered units, 160 GPD per multi-family/mobile home park unit, and 80 GPD per RV park unit. ~~connection (ERC)~~.

iii. **for solid waste disposal service:** the ability to collect and manage 7 pounds of municipal solid waste (or equivalent volume) per day per capita , pursuant to Lee Plan Policy 62.2.5 and Lee County Ordinance 17-19. ~~per person per day~~.

~~An ERC is defined as the total number of meter equivalents using the methodology of the Florida Public Service Commission (and is synonymous with their use of the term "equivalent residential units"). ERCs are used to convert commercial and industrial water or sanitary sewer use into standard units that are based on typical rates of use in dwelling units.~~

POLICY U-1-~~8~~-B-2 The ~~town~~ Town will enforce these levels of service under the concurrency requirements of Florida law by requiring one of the following before issuance of development permits:

i. development orders or building permits will be issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or

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

POLICY U-1-~~8~~-B-3 The concurrency management system in the ~~town's~~ Town's Land Development Code shall be amended to requirement the assessment of water supply capacity, in addition to treatment plant capacity, when determining compliance with the potable water level of service specified in Policy 8-B-1.

OBJECTIVE U-1-~~8~~-C WATER CONSERVATION — Take all reasonable steps to conserve potable water supplies~~, aiming for a 10% per-capita reduction in water use by 2005~~.

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

POLICY U-1-~~8~~-C-2 The town shall consult with the South Florida Water Management District to obtain suggestions on regulations to conserve water before adopting such regulations.

POLICY U-1-~~8~~-C-3 The town will use drought-tolerant vegetation, xeriscape techniques, recycled water, or other available methods for landscaping publicly owned lands, and encourages private landowners to do the same to reduce usage of potable water for irrigation purposes.

POLICY U-1-~~8~~-C-4 The town will continue to require, through its building codes, the use of water-saving plumbing fixtures in all new development and redevelopment.

POLICY U-1-~~8~~-C-5 The town will support public educational programs that encourage water conservation practices.

POLICY U-1-~~8~~-C-6 The town should consider implementing a strong conservation rate program where large water users pay a higher rate per gallon than is charged to frugal users.

OBJECTIVE U-1-~~8~~-D SOLID WASTE — Add recycling pickup at commercial enterprises, and maintain an efficient solid waste system that stresses recycling of reusable materials plus safe and efficient disposal of that which cannot be recycled.

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

POLICY U-1-~~8~~-D-2 The town will continue its participation in Lee County's program of recycling, incineration,
and disposal of solid wastes.

POLICY U-1-~~8~~-D-3 The town will seek to expand the current program to collect recyclables from motels and other tourist lodgings, and to collect and recycle additional materials.

POLICY U-1-~~8~~-D-4 The town will consider an ordinance requiring mandatory recycling of solid waste if voluntary participation does not achieve standards set by state or regional agencies.

POLICY U-1-~~8~~-D-5 The town will evaluate methods of improving the cost-effectiveness of solid waste collection, and may consider franchising the collection process independently of Lee County.

POLICY U-1-~~8~~-D-6 The town will cooperate with Lee County in implementing programs to decrease the volume of solid waste requiring landfilling (e.g. source separation of material which can be reused, recycled, or disposed of in another manner). The town shall also support and assist in programs to reduce roadside litter and illegal dumping, such as Keep Lee County Beautiful's annual coastal cleanups.

POLICY U-1-~~8~~-D-7 The town will cooperate with the Lee County in educating businesses and residents on the proper management of hazardous wastes and the provision of convenient disposal opportunities for the benefit of the town's citizens and visitors. This cooperation shall include distributing written material prepared by Lee County and publicizing their regular schedule of household hazardous waste collection days.

TRANSPORTATION ELEMENT

GOAL ~~7~~ T-1: To improve ~~peak-season~~ mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off-island systems, and parking options matched to road capacity.

OBJECTIVE T-1~~7~~-A DEFINING THE PROBLEMS — Through this plan, the Town of Fort Myers Beach will address its three major transportation problems: congestion (by supporting public transit and pedestrian improvements), parking (by improving public parking near Times Square), and speeding (through passive traffic calming on Estero Boulevard).

POLICY T-1~~7~~-A-1 CONGESTION: ~~Every winter~~ During peak times Estero Boulevard can become~~s~~ so crowded that traffic backs up, sometimes for miles in both directions. Much of this congestion is caused by visitors, who will continue to frequent the beaches regardless of development levels on Estero Island. Despite the road congestion, the town welcomes visitors and intends to provide mobility alternatives as described in this plan.

POLICY T-1~~7~~-A-2 PARKING: Even though existing parking lots are not used to capacity, parking is not abundant at Fort Myers Beach. ~~The welcome rebirth of commercial activity near Times Square will increase the demand for parking~~. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

POLICY T-1~~7~~-A-3 SPEEDING: Despite the virtual crawl of traffic on parts of Estero Boulevard, speeding is also a problem. ~~If motorists didn't speed on Estero Boulevard, many more people would get out of their own cars.~~ The town will protect the pedestrian environment along Estero Boulevard and will ~~not widen travel lanes or discourage~~ encourage safe pedestrian movement across the boulevard and throughout the Town.

OBJECTIVE T-1~~7~~-B CONVENTIONAL SOLUTIONS — The usual response to traffic congestion is widening roads or building alternate routes. Estero Island's long narrow shape, frequent navigable canals, sensitive environmental, and highly urbanized character preclude these solutions. Congestion management at Fort Myers Beach must aim to reduce delay and improve safety, not just for motorists but for pedestrians and bicyclists as well.

POLICY T-1~~7~~-B-1 DELAY AND SAFETY: The town recognizes that many efforts to reduce delay and improve safety for motorists have the opposite effect on pedestrians. Creative solutions will be required to address both concerns, particularly for pedestrians.

POLICY T-1~~7~~-B-2 WIDENING: Under no circumstances shall conventional four-laning of Estero Boulevard be considered as a desirable means of improving traffic circulation on Estero Island.

POLICY T-17-B-3 IMPROVEMENTS TO ESTERO BOULEVARD: The Town of Fort Myers Beach shall initiate additional pedestrian and streetscape improvements along Estero Boulevard beginning in 1999, and shall negotiate with Lee County for the turnover of responsibility for its maintenance if necessary to carry out these improvements or to further other town policies.

OBJECTIVE T-17-C EVACUATION ROUTE — Estero Boulevard's critical function as the sole evacuation route for Fort Myers Beach shall be considered in all planning and development activities.

POLICY T-17-C-1 EVACUATION CAPACITY: Evacuation routes do not need to be designed as high- speed roadways. The critical factor is the total number of cars that can evacuate in a given period of time. The town shall evaluate all efforts by Lee County or by the town to reduce speeding on Estero Boulevard during the design phase to ensure that these efforts will not hinder an effective evacuation.

POLICY T-17-C-2 FLOODING: The town shall analyze actual flooding of evacuation routes ~~that occurs due to tropical storms or hurricanes~~, and shall initiate physical improvements that can avoid future flooding at those locations.

OBJECTIVE T-17-D VARIETY OF TRAVEL MODES — The Town of Fort Myers Beach shall make efforts every year to improve mobility for its residents and visitors, striving for a balanced transportation system that allows safe movement ~~even during peak periods of traffic congestion~~ of pedestrians and vehicles. These efforts may include further subsidies to improve the trolley system, the use of impact fees to improve sidewalks, and creation of critical links on the hidden-path system.

POLICY T-17-D-1 ARRIVE WITHOUT A CAR: Fewer vehicles would be driven to Fort Myers Beach if scheduled airport shuttle service were available. The town shall encourage this service and the designation of a central drop-off point that could include a trolley stop and taxi stand.

POLICY T-1-D-2 REDUCE NEED OF CAR: Promote compact development, enhance pedestrian realm, and promote modes of transportation other than single occupancy vehicles.

POLICY T-1-D-3 OFF-ISLAND PARKING: Work with Lee County to secure off-island land for the purposes of extended parking. Continue to encourage or incentive visitors to park off the island to reduce number of vehicles.

POLICY T-17-D-24 IMPROVE TROLLEY SERVICE: Trolley ridership increases when service is more frequent and when fares are low or free, yet no long-term funding or operational plan has been developed for providing higher service levels. Practical measures to improve trolley usage include:

i. Recurring subsidies from tourism sources so that service can be enhanced and congestion minimized during heavy seasonal traffic;

ii. Pull-offs at important stops along Estero Boulevard so that passengers can safely board and traffic is not blocked excessively; these pull-offs could be built during other improvements to Estero Boulevard or required by the Land Development Code during the re-development process.
iii. Clear signs at every stop with full route and fare information;
iv. Bus shelters at key locations, with roofs, benches, and transparent sides;
v. Replacement of the existing trolley buses with clean-fuel vehicles so that businesses won't object to having trolleys stop at their front doors; and
vi. Accommodation of the special needs of the transportation disadvantaged.

POLICY T-17-D-35 ALTERNATE TRAVEL MODES: The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas. The town seeks to at least double the usage of the trolley system by the year 2001 (from its 1996 total ridership level of 238,754).

POLICY T-17-D-46 ENCOURAGE WATER TAXIS: Fort Myers Beach has great potential for water transportation, with its canals, natural waterways, and high levels of tourism. To encourage the private sector to provide this service, the town shall ease regulations that require a water taxi to provide dedicated parking spaces at every stop and shall encourage restaurants, motels, and marinas to provide dockage for water taxis. Where possible, water taxi drop-off sites should avoid areas of high manatee concentration, or use protective measure such as propeller guards, jet propulsion, or electric motors.

POLICY T-17-D-57 HIDDEN-PATH SYSTEM: The town shall support the creation of a quiet network of "hidden paths" running on the Bay side parallel to Estero Boulevard. This network would provide an alternative to walking and cycling along Estero Boulevard (as described further in the Community Design Element). Initial land acquisition shall begin in 1999.

OBJECTIVE T-17-E UPGRADE ESTERO BOULEVARD — As part of its congestion avoidance strategy to enhance pedestrian amenities and reduce the use of single occupancy vehicles, the town shall methodically upgrade Estero Boulevard to reduce speeding and encourage walking, as higher traffic speeds and car-oriented businesses are antithetical to its pedestrian character. (If a suit- able partnership to this end cannot be achieved with Lee County, the town may consider taking on maintenance responsibility for Estero Boulevard.)

POLICY T-17-E-1 TIMES SQUARE STREETSCAPE: The town shall begin work by 1999 toward extending southward the curbs, colorful sidewalks, and street trees installed by the Estero Island CRA in 1996. Similar side- walks should be placed on both sides of Estero Boulevard as far south as the public library, including drainage, lighting, and trolley improvements. Unspent funds from the Estero Island CRA should be sought from Lee County toward this end. Generous urban sidewalks should also be built in the future around the Villa Santini Plaza as part of its redevelopment (as described in the Community Design Element).

POLICY T-17-E-2 TRAFFIC CALMING: The town shall support two types of traffic calming to reduce speeding, which endangers lives and diminishes the quality of the pedestrian environment of Fort Myers Beach:

i. The first is “active” or traditional traffic calming along residential streets, using physical techniques such as speed humps, narrowed lanes, landscaping, traffic diverters, jogs, or traffic circles at intersections.
ii. The second is “passive” traffic calming along Estero Boulevard, to control speeding without reducing the number of vehicles that can use the road. Techniques include full curbs and sidewalks separated by street trees; buildings nearer the road; interesting vistas for drivers; and avoidance of overly wide travel lanes or intersections.

POLICY T-17-E-3 BUILDINGS CLOSE TO THE STREET: ~~Where pedestrian levels are high, buildings~~ Buildings should adjoin the sidewalk rather than be separated by parking spaces. Front walls of stores, offices, and restaurants should have large windows rather than blank walls, preferably shaded by awnings or canopies. Access to parking areas shall be off side streets wherever possible. The town’s Land Development Code shall implement these concepts ~~beginning in 1999~~.

POLICY T-17-E-4 SIDEWALKS AND BIKEWAYS: The town shall work toward major expansion of sidewalks and bikeways. In addition to the next phase of Estero Boulevard sidewalks (see Policy 7-E-1 above), the town shall sup- port the following projects:

i. Support Lee County’s imminent plans to fill the gaps from Buccaneer to Estrellita Drive and from the Villa Santini Plaza to Bay Beach Lane using federal funds;
ii. Initiate extensive improvements by 1999 to Old San Carlos and Crescent Street in conjunction with parking improvements (see Policy 7-F-2);
iii. Initiate engineering studies by 1999 for bikeways and additional sidewalks on the second side of Estero Boulevard and improved pedestrian crossings, including consideration of a pedestrian overpass at Times Square.

OBJECTIVE T-17-F OPTIMIZE THE PARKING SUPPLY — Off-island parking facilities served by convenient public transportation should be provided to meet peak-season demands. For year-around demand, the town shall provide additional on-island public parking spaces, based in part on a new peak- season occupancy survey of existing public parking spaces.

POLICY T-17-F-1 ENCOURAGE SHARED PARKING LOTS: Parking lots serving a variety of land uses require much less space than separate on-site lots for each business. Shared lots waste less land and encourage walking because businesses aren’t separated by large parking lots. The town shall encourage shared parking lots when businesses are relatively small, are clustered together, and have different busy periods.

POLICY T-17-F-2 SHARED PARKING NEAR TIMES SQUARE: The Estero Island CRA recommended a reservoir of shared parking behind businesses along Old San Carlos and adding 165 on-street parking spaces near Times Square (although some of these spaces would merely replace spaces lost to new recreational facilities at Lynn Hall Park). The town shall investigate the

feasibility of this concept in 1998-1999 and proceed toward implementation, or create an alternate plan that may include a parking garages near Times Square.

POLICY T-17-F-3 BETTER PARKING LOTS: Large parking lots or garages are usually more cost-efficient to build and maintain, but may not be the best solution for Fort Myers Beach. Disadvantages of large lots include high capital costs; the possibility of providing more parking than is needed or can be handled by the road system; and the unsightliness of most large parking lots and garages.

POLICY 7-F-4 DIRECT VISITORS TO AVAILABLE PARKING: Many visitors are unaware of existing parking lots; others would be dissuaded from driving if they were aware of the shortage of parking. Variable message signs can aid both situations. The town should encourage Lee County and FDOT to install these signs with information about all major parking areas, including the state park at Lovers Key.

OBJECTIVE T-17-G THE FUTURE OF THE BRIDGES — Match bridge capacity to Estero Island with the capacity of Estero Boulevard.

~~POLICY 7-G-1 ADEQUACY OF THE SKY BRIDGE: There is little evidence that traffic congestion at Fort Myers Beach is caused by any inadequacy of the Matanzas Pass Sky Bridge, which unlike Estero Boulevard has no interference from intersecting streets, parking spaces, or pedestrians crossing the street.~~

POLICY T-1-G-1 ~~7-G-2~~ CHANGES TO THE SKY BRIDGE: If parking lots at Bowditch Point or Times Square greatly increase demand for north- bound turns at the foot of the bridge, striping a third lane on the existing bridge might be considered, as might a reversible third lane during the peak season.

POLICY T-1-G-2 ~~7-G-3~~ RESPONSIBILITY FOR THE SKY BRIDGE: FDOT may be willing to turn over responsibility for the Sky Bridge to the Town of Fort Myers Beach. This would be advantageous to the town only if part of a congestion management system with peak-period tolls, off-island parking lots, and improved mass transit .

POLICY ~~7-G-4~~ ADDITIONAL BRIDGE CAPACITY: Additional bridge capacity should not be directed to Times Square (except for the potential re- striping in Policy 7-D-2). New lanes to Old San Carlos or Crescent Street would also be undesirable, as most congestion is caused by conditions on Estero Boulevard south of Times Square. Previously proposed bridges from Winkler Road or Coconut Road are infeasible from environmental and financial standpoints and need not be considered further.

OBJECTIVE T-17-H EXPERIMENT WIDELY — The town shall constantly search for innovative solutions to long-standing traffic problems and to new problems as they develop, and shall coordinate its efforts with those of the Lee County Metropolitan Planning Organization. The town shall serve as a catalyst for traffic engineering experiments that would evaluate minor improvements that might improve traffic flow at Fort Myers Beach. Some potential improvements are described in the following policies.

POLICY T-17-H-1 PEDESTRIAN OVERPASSES: Although pedestrian overpasses are often ignored by pedestrians, an overpass providing a panoramic view of the Gulf might be attractive enough to reduce at-grade crossings at Times Square without discouraging foot traffic in this highly congested area. Even without an overpass, the pedestrian-actuated stop light may be replaceable with a flashing caution light to minimize effects of the crossing on traffic flow.

POLICY T-17-H-2 SAN CARLOS BOULEVARD: The five-laning of San Carlos Boulevard has created severe problems near the approach to the Sky Bridge. Creative experiments are needed to discourage drivers from using the right- hand lane, or side streets on San Carlos Island, to bypass the line of cars waiting to enter the bridge.

POLICY T-17-H-3 RESERVED

POLICY T-17-H-4 VARIABLE MESSAGE SIGNS: These signs could advise motorists of congestion delays as well as available parking. The town should urge the detailed study of this concept by Lee County, FDOT, and the Metropolitan Planning Organization.

POLICY T-17-H-5 ORIGIN/DESTINATION DATA: Better data is needed on the origins and destinations of motorists during the peak season, and the town supports the MPO's efforts to obtain this data.

POLICY T-17-H-6 TRANSPORTATION DEMAND MANAGEMENT: This part of a congestion avoidance strategy reduces the number of single-occupant vehicles during peak traffic periods, either by eliminating some trips completely, or by accommodating existing trips in fewer vehicles, or by moving some trips before or after the most congested periods. This strategy may alleviate peak-season traffic congestion if implemented aggressively in cooperation with area businesses.

POLICY T-17-H-7 DELIVERY VEHICLES: To avoid interference with traffic and pedestrian flow, the town shall develop a strategy to limit commercial deliveries during peak traffic periods. Redevelopment plans shall require loading plan with preference to off-street loading. No on-street loading permitted on Estero Blvd.

POLICY T-17-H-8 FLOODING: During periods of minor flooding, the town shall monitor the performance of roadside drainage systems on and off Estero Island to identify areas where an evacuation could be prematurely halted.

POLICY T-17-H-9 PROFESSIONAL ASSISTANCE: The town may wish to retain a creative traffic engineer to provide advice on these experiments on a continuing basis.

POLICY T-17-H-10 CONNECTIONS TO ESTERO BOULEVARD: An excessive number of streets and driveways have direct access to Estero Boulevard, reducing its ability to handle peak-season traffic. The town shall take advantage of any suitable opportunities to consolidate street connections into fewer access points onto Estero Boulevard.

OBJECTIVE T-17-I LEVEL-OF-SERVICE STANDARD — Maintain minimum acceptable levels of service for the transportation system.

POLICY T-17-I-1: Traffic congestion is a serious problem at Fort Myers Beach, caused by a combination of high tourism demand for its beaches and past over-building relative to road capacity. Neither factor is within the control of the Town of Fort Myers Beach, although its

residents must tolerate congestion every winter. This comprehensive plan seeks to manage congestion levels and encourage alternate means of mobility including walking, bicycling, and trolleys.

POLICY T-17-I-2: The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

POLICY T-17-I-3: Figure 18 of this element is hereby adopted as the future transportation map of the Town of Fort Myers Beach.

OBJECTIVE T-17-J PROTECTING PUBLIC ACCESS — Although no future right-of-way needs have been identified, some existing town and county rights-of-way are substandard and few are wider than needed. The town shall not vacate or acquiesce in the vacation of existing rights-of-way except where no public purpose would be served by retaining the right-of-way.

POLICY T-17-J-1 RIGHTS-OF-WAY: Town and county rights-of-way are needed for the undergrounding of utilities; for the expansion of sidewalks and bike paths; for water accesses; for on-street parking; for public transit and road improvements; and for other public purposes. The town shall strictly limit vacations of rights-of-way and easements to preserve future access for these purposes.

POLICY T-17-J-2 TRAFFIC IMPACT ANALYSES: A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:

i. decrease the thresholds for requiring traffic impact analyses;
ii. require them to study the cumulative impacts of potential development; and
iii. use the results in assessing whether im- pacts are acceptable, and whether an improved design could offset some of the impacts.