



Fort Myers Beach Local Planning Agency

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

Minutes

**Wednesday, December 21,
2022**

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Members present: Chair Plummer, LPA Member Cereceda, LPA Member Sudduth and LPA Member Vanasse.

Excused: LPA Member Bowen, LPA Member Eckmann and LPA Member Safford.

Chair Plummer moved to reverse roles with Vice Chair Cereceda; second by LPA Member Vanasse.

Motion passed 4-0 with LPA Members Bowen, Eckmann and Safford excused.

II. INVOCATION

Chair Plummer.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Draft minutes 12/6/2022

Minutes not distributed.

Chair Cereceda requested that a Public Comment section be added to the front end of the agenda. Town Attorney Herin, Jr. replied that it would be added to the next agenda.

V. PUBLIC HEARINGS

A. LDC Text Amendment - Building Codes and Floodplain Management
Floodplain Management Ordinance - Amend Article IV Floodplain Regulations to update various sections to comply with state and federal law; provide for higher standards within a Coastal A Zone; and to implement local flood regulations.

Chair Cereceda read the title of the ordinance. Community Development Director Jason Green reviewed the changes and noted that there would be additional edits as the building code changed. LPA Member Plummer clarified that work after lan when a permit was issued had to be inspected within six months and two extensions were available.

Director Green noted that some sections in the ordinance were removed because they were already in another code or document. He described which requirements were mandated by FEMA and which ones were optional. He stated that all requirements were optional if the community wanted to participate in the National Flood Insurance Program (NFIP), meaning that one could not get a federally-backed mortgage if the community did not participate in the NFIP. He explained the Community Rating System (CRS) and indicated the town's rating of 5 resulted in a 25% discount on flood insurance rates. He noted that much of the Coastal A zone overlapped the old V zone.

Director Green discussed items 1-4 on page 14 and noted that the items were intended to manage and discourage the conversion of spaces below flood. A discussion was held regarding keeping the area open versus allowing some enclosure for storage. Director Green stated that minimum standards had to be implemented to participate in the NFIP. He questioned whether they wanted to regulate the number of doors and windows to discourage conversion. Most LPA members did not think the number of windows or doors should be limited for architectural purposes only.

LPA Member Vanasse brought up stem wall construction and wondered how many homes built to that standard were still standing after lan. Director Green indicated that solid structures without the ability of water to pass underneath created push-off of the waves and diverted water to other structures. He added that structures could be designed to withstand below flood in a V zone, but they could not build them because of the insurance policy.

LPA Member Vanasse indicated that part of the beach school was registered as a historic building and suggested that any language in the ordinance that protected those structures should remain.

Director Green reviewed the changes in Exhibit B. He explained FEMA's flood insurance study and noted that the maps became effective on November 17, 2022. He added that the study was started about five years ago and was required by law.

Director Green explained that the elevation of the lowest level was checked before the structure was completed. A final elevation certificate covered other items and was a critical component of floodplain management. He noted that the town was graded on the accuracy of the certificates and was part of the CRS.

LPA Member Vanasse stated that modular and manufactured (mobile) homes had different standards. Director Green noted that mobile homes were limited by zoning and flooding, but they could be replaced if elevated to meet flood regulations. Chair Cereceda stated there was a 99% chance that the

Red Coconut would not exist in its former version. LPA Member Vanasse pointed out that a lower CRS number was better.

Director Green reviewed new definitions on page 39. Page 45 contained a change regarding market value. FEMA required that the adjustment factor be removed and only the property appraiser could set the numbers. Chair Cereceda questioned whether an appeal process was in place. Director Green did not know, but he indicated that most of the time, the letters from the property appraiser showed higher values than the town's adjustment factor. LPA Member Plummer questioned how the property appraiser determined the value. LPA Member Vanasse replied that they used three methodologies and had set standards. He noted there was an appeal process, but he was unsure of the details post-hurricane.

LPA Member Vanasse questioned the definition of an accessory structure on page 42. Director Green referred him to page 55 and noted the language could be modified.

Public comment:

Joe Gilberti stated that the floodplain maps would change after Ian and they should not adopt the ordinance. He questioned why engineers were not involved with the ordinance. He asked that Director Green's contract be terminated.

The recording skipped to a gentleman who addressed temperature control in areas under buildings. He noted that regulating owners determined to finish those areas was difficult. He mentioned allowing windows and doors on the ground floor. He clarified that homes could be on columns or piles and walls had to break away. He stated the stem walls were irrelevant because of elevation.

Dave Lay, resident, indicated he intended to elevate his home, but there was no room in his existing floor plan to move utilities upstairs. He requested that they go back to the 7.5-foot setback to allow him to build out.

Public comment closed.

Director Green explained two Coastal Construction Lines (CCL) for two different purposes. One was from 1978 concerning the EC (Environmentally Critical) zone and the other was determined by the Florida Department of Environmental Protection study (FDEP) in 1999, which superseded FEMA maps. He did not anticipate new FEMA maps after Ian.

LPA Member Vanasse recommended that when people who come in for permits and used to live in the V zone but now live in Coastal A be given the option to use pilings.

LPA Member Sudduth moved to remove the higher standards for Coastal A residential and modify and reduce or eliminate the standards of the below flood design criteria related to windows and doors and temperature control where not in conflict with state or federal law; second by LPA Member Plummer.

Motion passed 4-0 with LPA Members Bowen, Eckmann and Safford excused.

VI. ADMINISTRATIVE AGENDA

No items.

VII. LPA MEMBERS ITEMS/REPORTS

LPA Member Vanasse suggested that they have an LPA liaison with Beach Talk Radio. He accepted the nomination to be the liaison.

LPA Member Plummer mentioned the person with the cowboy hat who welcomed people coming over the bridge. No one knew his identity.

Chair Cereceda thanked all for working under extraordinary conditions.

No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

Town Attorney Heirn, Jr. explained the owner/builder statute regarding selling or leasing property within one year.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

A. Priority list for 2021

Community Development Planner Sarah Propst reviewed six areas of suggested code changes, including establishing a minimum seawall height; existing dock regulations; shortening the decision-making processes to allow the LPA to be the decision maker and reestablishing some administrative approvals; setbacks for homes in non-residential districts; looking at the residential stormwater requirements; and potentially increasing the height of houses along the beach.

Chair Cereceda suggested that the first priority be shortening the decision-making process. LPA Member Vanasee brought up non-conforming lots and setbacks. Chair Cereceda agreed and felt that discussion should probably come before everything else. Director Green listed items that will be on the next agenda.

LPA Member Vanasse suggested creating a list of long-term items and inviting the LDC (Land Development Code) consultant to a meeting. He proposed that a visual preference survey be set up with public input.

Director Green suggested that the future land use element be distributed to the LPA for review before discussing it. He mentioned holding a town hall meeting based on geography for commercial entities to explain the Comp Plan (Comprehensive Plan).

X. ITEMS FOR NEXT MONTHS AGENDA

Director Green stated that MUD (Minimum Use Determination), corner lots and setbacks, the process for public hearings and applications would be on the next agenda.

XI. PUBLIC COMMENT

Joe Gilberti, resident and professional engineer, emailed a document to the Town Council again regarding blocking a water supply from his farm in Sarasota. He discussed issues surrounding his water supply and asked that the town recognize his resource.

A teacher from Cypress Elementary and a resident discussed the expansion of the Snook Bite Marina and Bay Front Bistro years ago. She stated that the restaurant was not allowed to have outdoor music, but they were playing loud music and encroaching into the neighborhood. She filed a complaint and a code enforcement officer informed her that the Interim Town Manager told the restaurant that it was okay to play music. She listed all the people she reached out to and questioned what she needed to do to get the music to stop.

XII. ADJOURNMENT

LPA Member Sudduth moved to adjourn; second by LPA Member Plummer. The meeting was adjourned at 11:45 a.m.

Minutes adopted as presented, January 18, 2023. Motion by LPA Member Plummer and seconded by LPA Member Eckmann Passed 7-0.



Amy Baker, Town Clerk