



Fort Myers Beach Management & Planning Session

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes Thursday, June 6, 2024 9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Safford and Council Member Woodson.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Review of Weekly / Monthly Rentals

A discussion of weekly and monthly rentals as requested by Town Council to provide clear direction to Town staff

Council Member Woodson noted that she had questions from residents regarding why some streets were weekly rentals while others were monthly rentals. Council Member Safford stated the language of the 2000 ordinance was antiquated because it said that property owners could only rent to blood relatives. He asked whether a month was 28 days or a calendar month and whether a week was seven days. Regarding grandfathering, he questioned whether weekly designations would still exist if the structure were gone.

Mayor Allers responded that grandfathered properties were still grandfathered after the hurricane. Thirty days were determined to be from the first to the end of the month. Council Member Safford questioned the 2018 phone number requirement that has not been in service since the storm and whether the rental fees were going toward workforce housing. He asked why condominiums still had to opt-out. He questioned whether the ordinance could be amended.

Town Attorney Vose stated that the Attorney General's (AG) opinion from 2019 was that nothing could be changed in the regulations, or they would lose the grandfather position. She noted that legislation allowing regulations to be less restrictive without losing the grandfather position was passed, but

the governor has not signed or vetoed it yet. She did not recommend making any changes to the ordinance unless they were willing to lose the ability to regulate vacation rentals. She agreed that the blood relative requirement did not make sense and they could ignore unconstitutional requirements. She indicated that property owners were concerned because rental applications were due, but their homes were destroyed. She stated they could draft a resolution allowing staff to process applications as if the structure was not destroyed. The Town Council supported that resolution and endorsed a resolution to automatically opt-out condominiums.

Council Member Woodson questioned how to register properties since notices were not sent out. Operations and Compliance Director Frankie Kropacek replied that they should contact Patty Provost. He stated that temporary trailers on properties did not qualify as short-term rentals and were not allowed.

Finance Director Joe Onzick stated that about \$100,000.00 had been accumulated for workforce development in 2022 and was still in the account. He indicated that the \$300.00 fee barely covered the program's cost. He recalled discussions surrounding a proposal to cover the program's cost before allocating funds for workforce housing. He will research what was codified. Town Attorney Vose noted that other coastal communities charge much more than \$300.00 because the fees were allocated to cover everyone on the staff, among other expenses, not just those in the rental department. Director Kropacek described how code enforcement will be more involved with rental properties. Town Attorney Vose will work with Director Onzick regarding the percentage of staff time taken up by short-term rentals.

Council Member Safford would like a discussion with stakeholders regarding the definitions of monthly and weekly. Town Attorney Vose noted that a resolution could address that topic without affecting the ordinance. Town Attorney Vose will research the 2019 opinion from the AG before moving forward.

Council Member Safford questioned what happened to the phone number that renters could call with complaints. Director Kropacek replied that he was unaware of a number; however, he was informed that the hotline number still existed and calls were directed to listing agents.

B. Old San Carlos Summer Parking fees

A discussion on waiving summer parking fees as requested by Town Council.

Council Member King indicated that a resident asked if the town could help businesses during the slow season by waiving parking fees. Director Kropacek responded that the bridge loan specified that they could not reduce non-ad valorem revenue. Mayor Allers questioned whether the town could expand areas for residents with passes to park other than under the bridge. Director Kropacek replied affirmatively. Town Attorney Vose stated that a resolution was not needed.

Vice Mayor Atterholt discussed selling the Town Hall property to add to the emergency reserves and to avoid increasing the millage rate.

C. Island Re-Entry / Communication Plan

A discussion on Island Re-Entry and the Town's Communication Plan as requested by Town Council.

Vice Mayor Atterholt felt they needed to communicate the plan to help residents understand. Town Manager Hyatt noted that window stickers were now available and encouraged residents to pick them up along with the regular pass. He stated that residents' information was connected to the passes. Mayor Allers suggested linking the window sticker to a QR code to identify residents quickly. Town Manager Hyatt indicated that staff would be stationed at both bridges to check stickers. Mayor Allers noted that it would be helpful if people knew ahead of time when they could return to the island. Town Manager Hyatt met with WGPU regarding pushing out information.

Staff will create short videos about re-entry and staff will do a dry run exercise. Mayor Allers suggested they work with Bonita Springs so both communities could help each other. He noted that it was important for residents to know where the staff would be after storms. Town Manager Hyatt added that town equipment would be parked in different locations next time and hurricane preparedness meetings would increase to weekly.

Vice Mayor Atterholt noted that the Town Council did not meet for about six weeks after the hurricane, while Sanibel met daily. Town Manager Hyatt commented that meetings had to occur.

Operations and Compliance Manager Tom Yozzo explained that the window parking stickers were a backup to the hurricane passes and were linked to the resident's information. He indicated that a QR code depended on whether the cell tower service went down, so hard copies would be used. The parking pass was \$25.00 per vehicle, but the hurricane passes were free.

Residents were able to park at any town-owned parking spot for the summer.

D. Downtown zoning district FAR

Discussion of Floor Area Ratio in the Downtown zoning district.

Council Member Safford stated that the Beach Bar was trying to build back, but they could not go by their lot size to determine FAR; they had to go by the buildable area. Community Development Planner Sarah Propst replied that the FAR was based on the zoning district. She noted that they may want to consider commercial versus residential. Residential was usually building coverage, while commercial was usually FAR. She felt FAR made sense for the Beach Bar, but they were in the downtown district. Council Member Safford questioned whether they wanted to use FAR calculations for residents in the downtown district. Mayor Allers asked whether they wanted to use 40% coverage of the lot size. Council Member Safford concurred.

Planner Propst stated they would have to change the comprehensive plan because it referred to intensity in those districts. Mayor Allers felt it would be clearer if they could differentiate whether the district was more commercial or residential.

Patrick Vanasse noted that for residential districts, FAR did not apply to single-family residents; it was a measure of non-residential intensity. He felt the easy solution was to add a footnote to the zoning table noting that FAR did not apply to single-family homes. He did not think they needed to change the comp plan. As for mixed-use projects, FAR would apply. If it was a single-family, FAR did not apply.

Albert Dambrose described the issues he was running into building residential single-family homes in lots on the Gulf.

Planner Propst agreed that adding a footnote to the table was straightforward. Town Council members agreed.

Mr. Vanasse suggested that staff look into the definition of lot coverage. Mayor Allers questioned whether residential could be treated differently from commercial and Town Attorney Vose agreed. Mr. Dambrose referred to the language on FAR and lot coverage on page 3 of the exhibit and noted two parentheses were verbatim. He addressed two recent permits for new homes that counted the entire lot as lot coverage. He suggested that the wording in item two of the second paragraph be cleaned up for residential use and that visuals should be included in the LDC (Land Development Code).

Mayor Allers questioned whether changing the calculation would allow developers to build massive projects by right. Planner Propst replied that the backstop was the FAR. Mayor Allers referred to the Red Coconut property and described what could be built there by right. He questioned whether there was a way to cap the number of rooms based on the zoning district without making it too cumbersome. Planner Propst noted an option was to adjust the multiplier levels. A one-acre lot with a FAR of 1.2 would result in a floor area of 52,000 square feet, including the ground floor. The same lot with a basic density of 6, times the maximum multiplier of 2.5 resulted in 15 units. Mayor Allers mentioned a sliding scale between the sizes of lots because it was not relative. He suggested having a community discussion with different scenarios. He supported looking at how to adjust the multiplier. Council Member Woodson indicated that visuals would be beneficial.

E. Increasing Tree Canopy on Fort Myers Beach

A discussion about increasing the tree canopy on Fort Myers Beach
Environmental Projects Manager Chadd Chustz displayed slides of pre-lan photos to illustrate how much canopy was lost. He noted the town was awarded a tree forestry grant. A tree survey categorized dead trees, live trees, no trees and tree stumps. The grant provided \$500.00 per native tree and the town was required to plant 75 trees. He questioned whether they wanted to maintain the royal palm theme on North Estero or if they wanted to add canopy trees and smaller street trees. Mayor Allers supported recreating North Estero before the storm with a mixture of royal palms, shade trees and low-lying bushes. Vice Mayor Atterholt suggested consulting with the Garden Club and supported extending the north-end landscape design down Estero Blvd. Council Member Woodson also liked the north-end design.

Projects Manager Chustz provided a list of trees to choose from. Cathy Turner from the Garden Club attended a recent presentation on trees, which included native street trees. She indicated that most native plants were less showy than Florida-friendly plants. Since this grant did not cover the Florida-friendly street trees with more color, funds left over from the county could be used to plant them on Estero Blvd. Ms. Turner addressed the previous ground cover planted on Estero and felt it was dismal and required too much maintenance.

Projects Manager Chustz described Florida's Urban and Community Forestry Capacity (UCF-C) Grant, Public Tree Canopy Improvement, Public Tree Inventory or Urban Tree Canopy Assessment, Urban Forestry Management Planning and Information and Education. He noted the application due date was July 19, 2024, and was a 50/50 match grant.

IV. AGENDA MANAGEMENT

A. June 2024

Remove local churches and downtown district analysis.

Add a presentation regarding tier-one projects.

Change the date to discuss the ordinance addressing residency requirements for advisory committees.

Add a discussion to an M&P to explain the consent agenda and public comment expectations.

V. ADJOURNMENT

Council Member King moved to adjourn, seconded by Vice Mayor Atterholt. The motion carried unanimously.

The meeting was adjourned at 12:04 p.m.

Minutes adopted as presented, June 17, 2024. Motion by Council Member King and seconded by Council Member Safford. Passed 5-0.



Amy Baker, Town Clerk