



Fort Myers Beach Management & Planning Session

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

Agenda

Wednesday, August 7, 2024

12:00 PM

ORDER OF BUSINESS

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

- A. Presentation: Len Januzik, Eastern Director of Operations, Task Force on National and Homeland Security
Presentation: Len Januzik, Operations Director, U.S. Eastern Region Task Force on National & Homeland Security
- B. CB Zoning
Discuss CB zoning district changes
- C. Land Development Code
Discuss main topics for Land Development Code rewrite
- D. Bridge Tolls
Per Town Council's request, a discussion regarding tolls on FMB bridges.
- E. Consent Agenda / Public Comment
Per Town Council's request, a discussion regarding the Consent Agenda and public comment expectations

IV. AGENDA MANAGEMENT

- A. August 2024

V. 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.

1. **Request:**

Meeting Date: August 7, 2024

Presentation: Len Januzik, Operations Director, U.S. Eastern Region Task Force on National & Homeland Security

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. FMB - MP committee draft 2024-07-30 1345 hrs

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Barrier Island Resiliency Development Project

***A Project to Protect Fort Myers Beach as a pilot
to hardening the Florida Electric Network using
Microgrids***



Presented by:

Dr. Michael Cohen – The MITRE Corporation

Leonard Januzik – J&L Resources Inc.

Thomas Sylke – Electric Island Systems LLC

Presenting Organizations

MITRE CORPORATION - offers system engineering, federally funded research and development, information technology, enterprise modernization, federal employee fellowship programs, homeland security, and health transformation facilities. MITRE serves governments throughout the United States. Dr. Michael Cohen, a critical infrastructure specialist focuses on the energy sector.

J&L RESOURCES – conducts analytical studies and grid risk assessments for transmission and generating facilities, including nuclear power plants, and other related infrastructures with experience over several decades. Mr. Len Januzik has overseen technical and economic analysis of power system transmission and generation and served on the planning committee of the North American Electric Reliability Corp. (NERC).

ELECTRIC ISLAND SYSTEMS - furnishes engineering, regulatory and government relations services through its principal, Tom Sylke, an attorney specializing in electrical engineering and physics, including 35+ years of work in technology law in Silicon Valley and the Midwest, 7 years as a senior state official in Wisconsin state government, and service as Wisconsin state director on the U.S. Task Force on National and Homeland Security.

ULTIMATE GOAL

The ultimate goal of this effort is to mitigate all reasonable threat scenarios for the nation's electric Grid.

This includes:

Unplanned events

- Unusual Loading Patterns
- Equipment failure

Operator error

- Data Errors
- Poor judgment

Physical Attack

- Cyber Hacking
- High-altitude Electro-Magnetic Pulse (HEMP)
- Terrorist Attack
- Combination of the above

Weather related

- Heat Waves
- Droughts
- Floods
- Extreme Cold
- Storms
 - ✓ Lightning
 - ✓ Hurricanes
 - ✓ Tornadoes
 - ✓ Super-Storms

Solar Disturbances

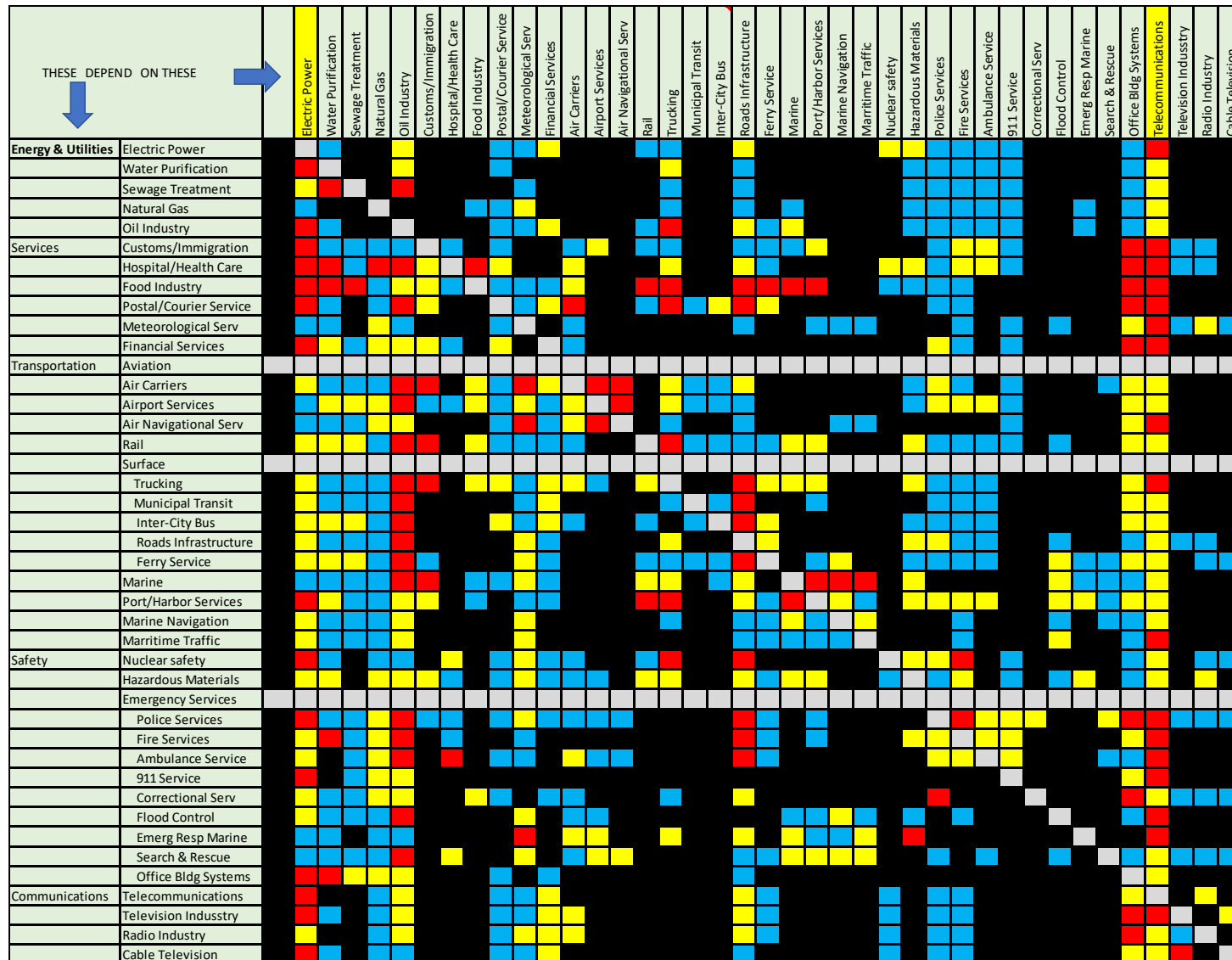
- GMD

Focus areas for
Scoping study:



Interdependency Matrix (part 1 of 2)

MOST INFRASTRUCTURES DEPEND ON THE GRID



Interdependency Matrix (part 2 of 2)

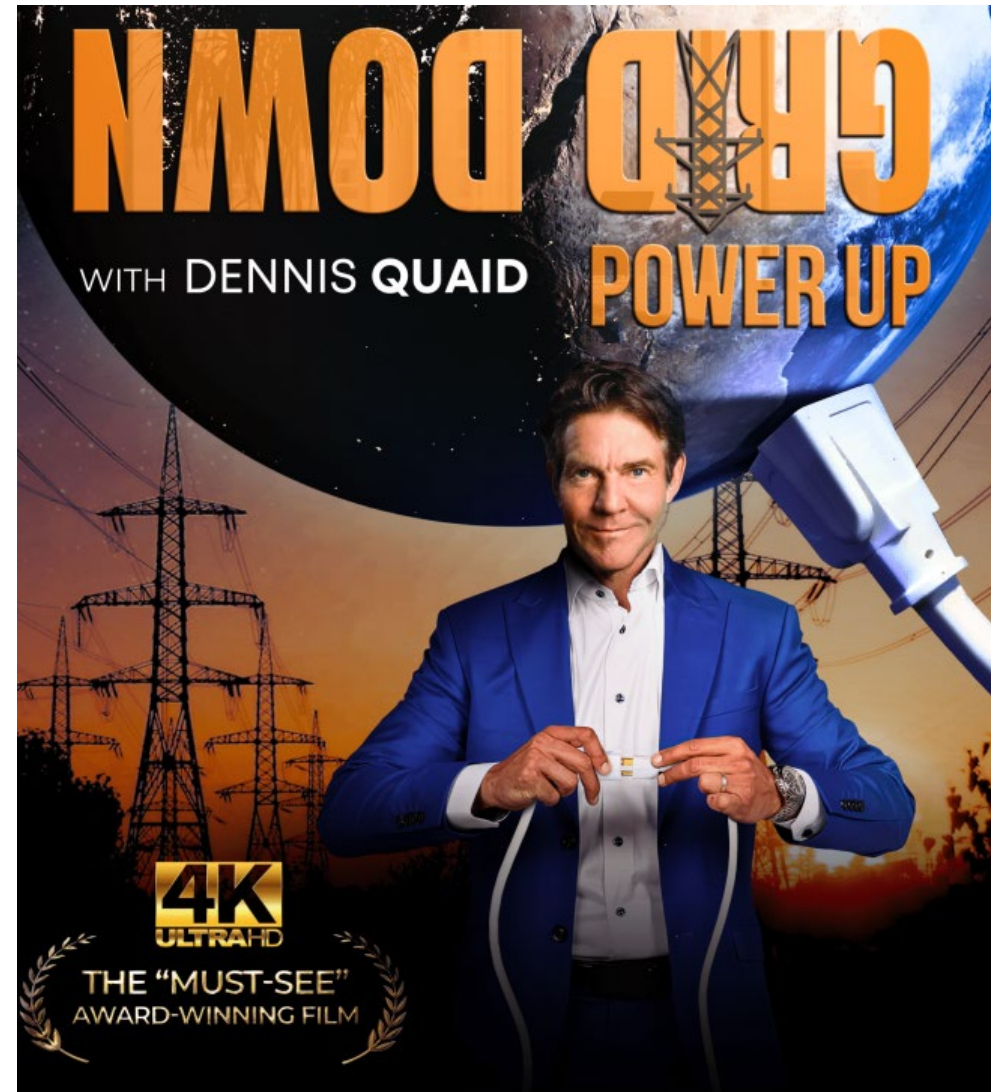
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HARDENING THE GRID USING MICROGRIDS

- Experts generally agree that it is very difficult, if not impossible, to harden the entire electric grid.
- However, hardening the most critical strategic locations on the grid enables survivability and quick restoration of electric power to its customers - especially electric power that also supports and enables critical infrastructures.
- Critical facilities can be hardened by establishing a “hardened microgrid” in and around those locations.
- A microgrid is a self-sustaining electric facility composed of independent resources at least equal to the total load (i.e., customer/user demand), the total resources comprising (1) power generation, (2) transmission/distribution lines, and (3) optional storage capacity. A microgrid can operate connected to or totally disconnected from the rest of the grid, as desired.

HOW IMPORTANT IS THE GRID?

The Electric Grid in the United States has become, and is, the Life Blood of our Society. Grid failure is a real and imminent threat, a devastatingly deadly occurrence leading to life-threatening shortages of heat, cooling, food, water, and communications. **We can not live without it.**

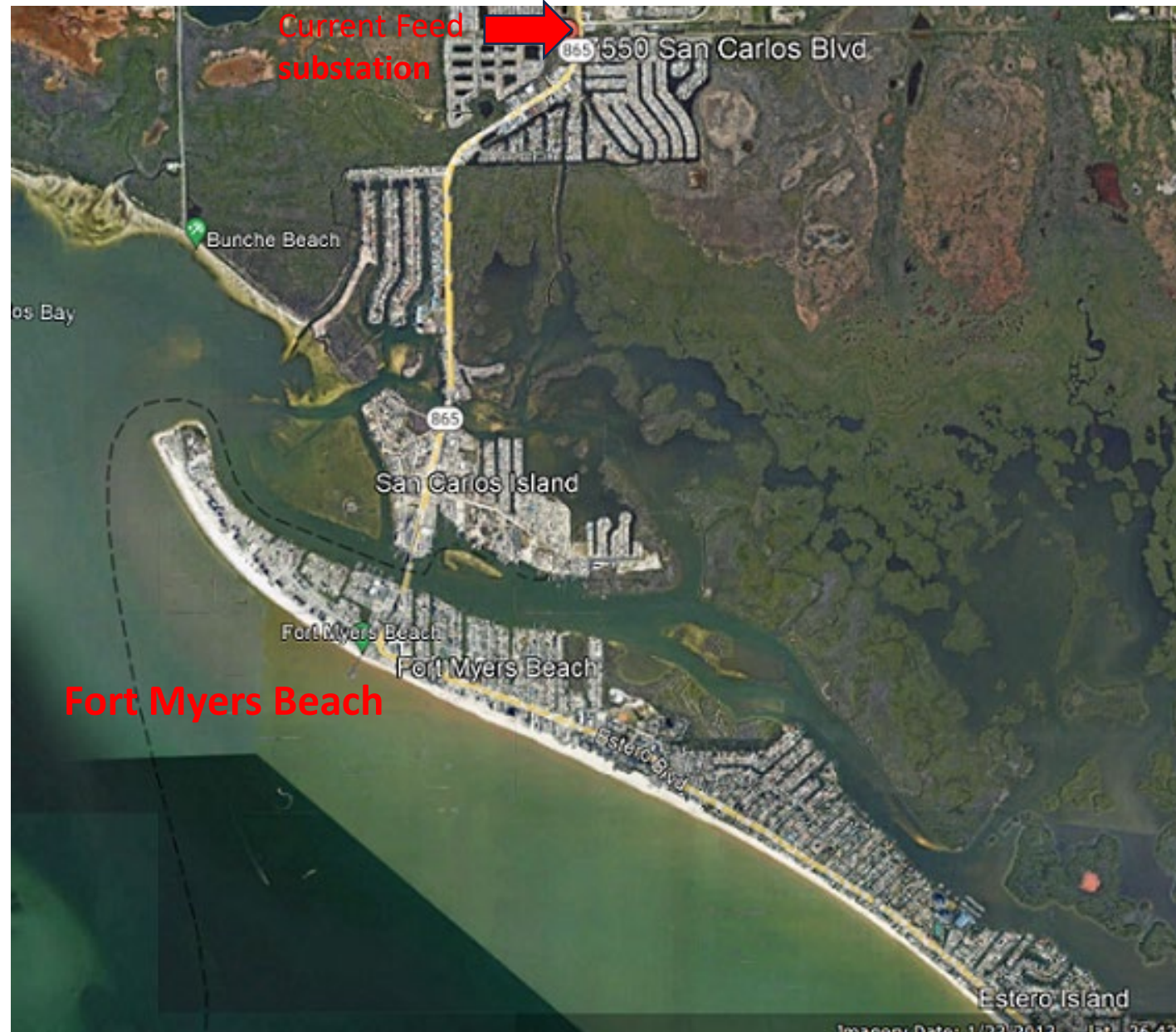


YOUTUBE - GRIDDOWNPOWERUP

HOW DOES ALL THIS RELATE TO FLORIDA?

- **Florida is committed to protecting their grid**, especially because of the weather scenarios the state's residents face, as well as Florida's limited electrical grid connections to the rest of the U.S.
- Developing a comprehensive, statewide plan and **moving it through the Florida Legislature would likely take considerable time and require overwhelming and possibly undefinable fiscal support.**
- **A "PILOT" development of a hardened microgrid can be advanced** in Fort Myers Beach and/or similarly-affected areas recently impacted by Hurricane Ian. **Such a pilot can be built in a relatively short period of time and would serve as a template for the rest of the state**, especially for the barrier islands, coastal communities, peninsulas and other "virtual islands."
- The Town of Fort Myers Beach in southwest Florida was almost totally destroyed by Hurricane Ian in the fall of 2022, so this microgrid improvement can **easily and economically be integrated into that rebuild effort.**

FORT MYERS BEACH LOCATION – SOUTHERN FLORIDA



It appears that a single set of feeders supplies the island from the San Carlos substation.

MAINLAND SUBSTATION FEEDING FORT MYERS BEACH (?)



MAINLAND SUBSTATION FEEDING FORT MYERS BEACH (?)
17550 San Carlos Blvd



FORT MYERS BEACH – STREET VIEW FEEDERS



**Feeders run
down Estero
Blvd for most
part.**

FORT MYERS BEACH STREET MAP



WHY A HARDENED MICROGRID IN FORT MYERS BEACH NOW?

- 1 - As noted previously, the Town of Fort Myers Beach is being rebuilt, so the **TIMING IS EXCELLENT** and little “preparatory demolition” is required.
- 2 - Fort Myers Beach appears to be **A RADIAL DISTRIBUTION SUPPLY** for the most part.
- 3 - A pilot microgrid installation on Fort Myers Beach is **RELATIVELY STRAIGHTFORWARD** compared to other communities.
- 4 - There is **STRONG STATE AND FEDERAL SUPPORT** right now for this type of development.
- 5 - The Fort Myers Beach Microgrid Project **CAN BE COMPLETED IN A REASONABLE TIME PERIOD** and can serve as a model for future Florida projects involving other barrier islands, coastal communities, etc.

WHAT IS THE BENEFIT TO FORT MYERS BEACH?

- Benefits include: Improved safety, improved security, damage mitigation, economic gains

Safety and Security:

A hardened Fort Myers Beach Microgrid will, at a minimum, maintain critical services during and after other disruptions due to reasonably foreseeable hazards. This is especially true with natural hazards such as lightning, wind and storm surge.

Essential services include (but are not limited to):

- Law Enforcement and Fire Departments
- Medical Facilities
- Public Works
- Traffic Signals and Street Lightning
- Flood Control, Fresh/Potable Water and Wastewater (Pumps, Etc.)

WHAT IS THE BENEFIT TO FORT MYERS BEACH?

(continued)

Financial/Economic Gains:

- Avoid economic losses otherwise incurred during prolonged or widespread power outages
- Recognizing that the **Town of Fort Myers Beach will be the owner of the FMB Microgrid**, the town can:
 - Sell excess power back to the larger utility and/or third party
 - Offer premium power subscriptions to private parties (e.g., hotels, large condo developers, etc.)
 - Secure reduced insurance premiums for residents whose homes/businesses are serviced by the Fort Myers Beach Microgrid

WHAT IS THE BENEFIT TO FORT MYERS BEACH?

(continued)

SUMMARY:

Priority #1 – Save lives, improve security, protect property/businesses;

Priority #2 – Achieve Priority #1 while also enhancing resiliency; and

Priority #3 – Achieve Priorities #1 and #2 with virtually no cost to the residents of the Town of Fort Myers Beach!!

The Fort Myers Beach Microgrid will be resilient to:

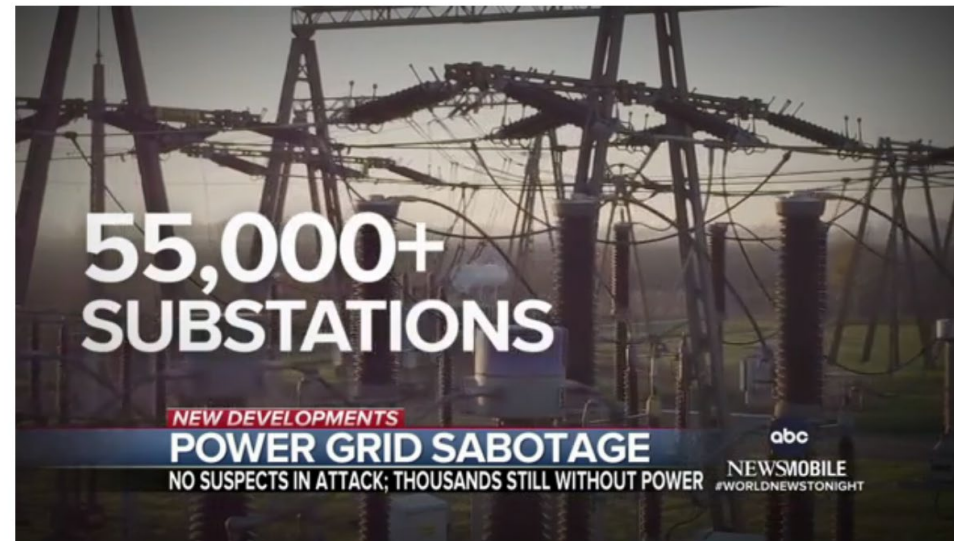
**Natural
Disasters**



**Cyber
Attacks**



**Physical
Attacks**



THE PROCESS

A **SCOPING STUDY**, completed within 6 months, can include the following (and more) to determine microgrid requirements to meet FMB needs and wishes:

- **Determine LOAD** (both critical and non-critical) that needs to be served now and in the future;
- **Determine POWER GENERATION** required (and what can reasonably be installed now and in the future);
- **Evaluate IMPACTING EVENTS** such as potential natural and man-made hazards and disasters;
- **Calculate POTENTIAL “BREAK POINTS”** for different available build-out levels and architectures; and
- **Analyze supplemental SMART GRID MANAGEMENT**, functions to supply loads efficiently by automatically implementing switching of circuits to maintain supply.

THE PROCESS

(continued)

We believe that the State of Florida is likely to support and fund the FMB scoping study in light of the fact that Florida has made a substantial commitment to resiliency (included in its \$116.5B state budget for 2024-25) and because this study will serve as a pilot and blueprint for enhancing the resiliency of all of Florida's barrier islands, coastal communities, peninsulas and "virtual islands."

Because FMB is the leader in this effort, we believe federal authorities (e.g., DHS) likely will fund construction as a broader template for microgrid deployment. We also believe it is reasonable to expect that the federal government's support of a pilot hardened microgrid in Fort Myers Beach may include construction funding on the order of \$50M.

SO, WHAT DOES A HARDENED MICROGRID LOOK LIKE?

Image of a Possible Raised Micro-Grid



Image of a Possible Raised Micro-Grid Control Building



Battery Storage Units



ABOUT 250 SF NEEDED PER MWH INSTALLED

Battery Storage Units



BATTERY UNITS CAN BE STACKED

Micro-Turbine – Up to 700 KW



Micro-Turbine – Up to 700 KW



Solar Farms and Roof Top Solar

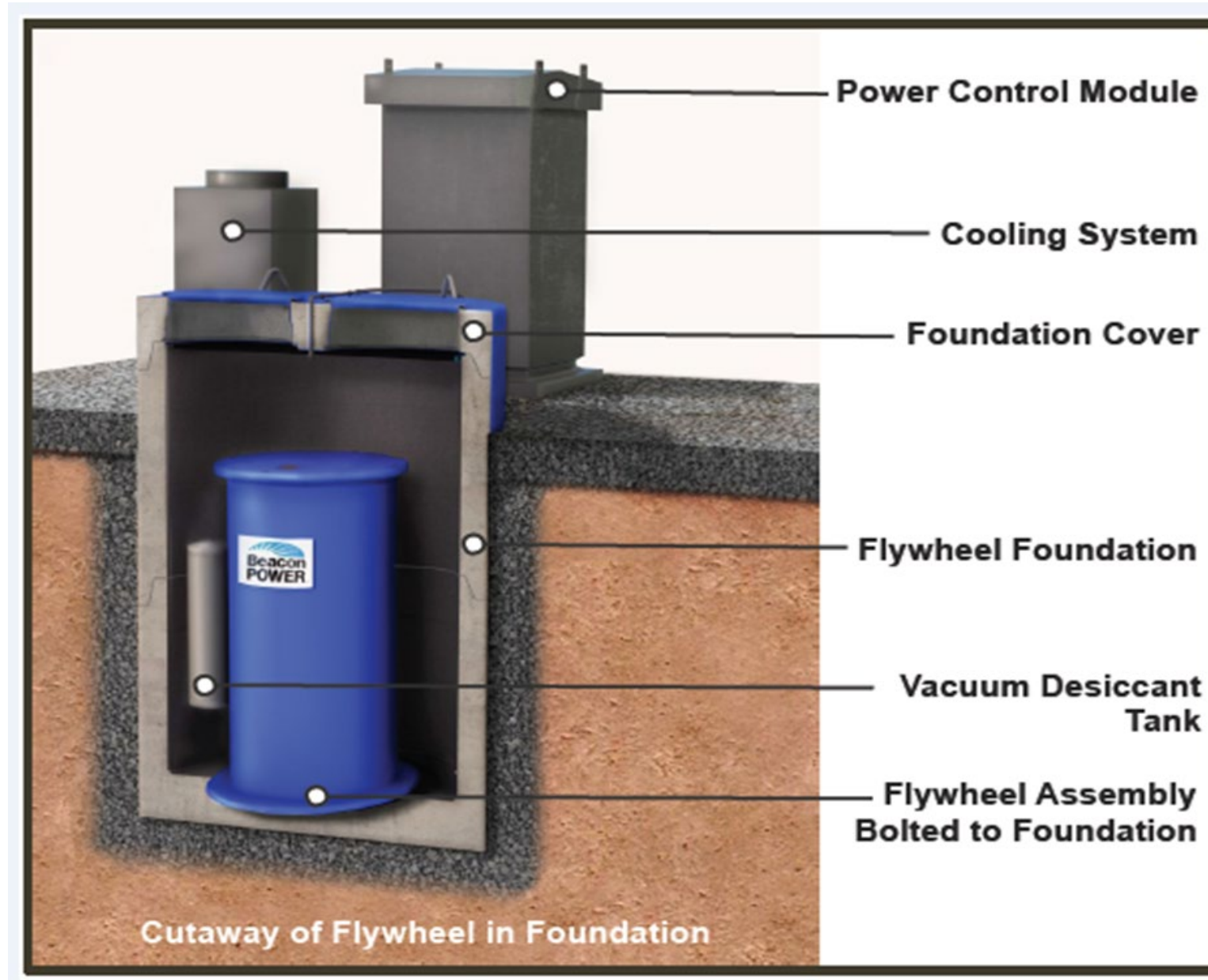
About 6 Acres
per MW capacity



Hydrogen Fuel Cells



Frictionless Flywheel Energy Storage



Small Microgrid Installation



MAYBE ABOUT ½ ACRE

Medium Microgrid Installation



ABOUT 3-4 ACRES

Next Steps in Process

- Feedback from Fort Myers Beach leadership and stakeholders
- Feedback from the State of Florida – Governor and chief resiliency officer
- Feedback from the Florida Legislature
- Additional presentation(s)?

Scoping Study Task list

(working version; subtasks omitted)

- Task 1: Identify Possible Locations and Footprints of the MicroGrid
- Task 2: Collect Data On and Project Future Electricity Demand
- Task 3: Identify Possible Generation & Energy Storage Technologies for Microgrid Use
- Task 4: Create Alternative MicroGrid Designs and Architectures
- Task 5: Estimate Microgrid Capital, Operating, and Lifecycle Costs
- Task 6: Identification and Costs of Hazard Resilience Technologies and Measures
- Task 7: Compare Microgrid Electricity Delivery Reliability with Existing Grid Reliability for island loads.
- Task 8: Compute Environmental and Climate Resilience Benefits of Alternative Microgrid Designs
- Task 9: Identify Legal and Regulatory Requirements, Ensure Microgrid Design Compliance, and Maintain Public Relations
- Task 10: Contractual Reporting and Final Deliverable

Questions?

1. **Request:**

Discuss CB zoning district changes

Why the action is necessary:

The discussion will assist staff in providing the zoning district regulations that are desired by the Town Council.

What the action accomplishes:

Discussion to assist staff

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Ordinance

5. **Background:**

Attachments:

1. M & P memo
2. Exhibit A CB Zoning Section language
3. Exhibit B Amended Zoning Table 34-2
4. Exhibit C Map of CB Zoned Properties

Financial Impact:

unknown

6. **Alternative Action**

7. **Staff Recommendations:**

Provide input

8. **Recommended Approval:**

Frankie Kropacek, Operations & Compliance Director

Date: July 30, 2024

nancy stuparich, Town Attorney

Date: August 02, 2024

Amy Baker, Town Clerk

Date: August 02, 2024

Andy Hyatt, Town Manager

Date: August 02, 2024



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Management and Planning
From: Sarah Propst, Community Development
Date: August 7, 2024
Re: CB Zoning District Language

Background

When the Commercial Boulevard (CB) zoning district was developed, it was designed to disallow expansion of uses and many changes of use without a planned development rezoning. In 2021 the LDC was updated to allow the return of uses that had previously been approved on parcels but did not allow uses that had not previously been on those parcels.

It appears that originally this zoning district allowed full residential, lodging, office, and retail uses. When the Town incorporated, the CB district was changed to only allow continual downgrading of the uses to become less intense. The proposed amendment would eliminate the need for planned development rezonings in the CB district to allow all of the uses that are within the residential, lodging, office, and retail use categories. The primary limitation will be the intensity of these uses. The CB zoning district allows a maximum Floor Area Ratio (FAR) of 1.0 and the underlying Future Land Use District, Boulevard limits the Floor Area Ratio (FAR) to a maximum of 1.5. This makes it less intense than the zoning districts of Downtown and Santini, which have an underlying Future Land Use District of Pedestrian Commercial, which has a maximum FAR of 2.5.

The Comprehensive Plan was previously a limiting factor regarding changes to the CB zoning district because of Boulevard Future Land Use District policies. Previous policy 4-B-5 stated that to obtain approval for new or expanded commercial activities the proposal had to be evaluated through the planned development rezoning process.

The new **Policy FLU-1-B-6** says: *“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. 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,*

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | **F.** 239-765-0909 | 2525 Estero Boulevard, Fort Myers Beach, FL 33931



and meet the design concepts of this plan and the Land Development Code. The non-residential Floor Area Ratios (FAR) in the Boulevard shall not exceed 1.5.

Density: The maximum density is up to six (6) dwelling units per acre, except those developments previously vested with 10 units under the “platted overlay” may continue. Permitted new density may be increased up 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. Those developments previously vested with 10 units under the “platted overlay” may continue.

Previous Policy 4-C-3-iv. Further explained that commercial uses could seek rezoning through the planned development process and prove they are sensitive to adjacent uses.

New Policy FLU-1-C-3.iv. says: *In the “Boulevard” and “Mixed-Use” category, mixed-use development including commercial and residential uses are permissible. 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.*

Upon approval by the State of the Comprehensive Plan changes, the CB zoning district can be updated.

Proposed Solution

At the initial hearing staff heard concerns regarding the potential for increase size of development and impacts to adjacent properties. Building size and placement regulations are not proposed to change are as follows:

Front setback (min): 10 feet

Side setbacks (min): 5 feet

Height: 30 feet above BFE and 3 stories

Rear setback (min): 20 feet or if from waterbody per 34-638(d)(3)

FAR: 1.0

Staff proposes the attached strike-through underline and change to the zoning table. These changes include allowing additional uses but limiting new uses that seem to cause the most impact to residential properties, including outdoor seating, outdoor entertainment, and consumption on premises not related to a restaurant. These proposed changes are not more restrictive than the current allowed regulations and therefore do not run afoul of SB 250.

Exhibits

Exhibit A – Amended CB Zoning District Language

Exhibit B – Amended Table 34-2

Exhibit C – Map of CB zoned properties

Subdivision V. - CB Zoning District

Sec. 34-701. - Purpose.

The purpose of the CB (Commercial Boulevard) district is to provide standards for existing commercial uses and certain other uses along those portions of Estero Boulevard where the "boulevard" classification of the Fort Myers Beach Comprehensive Plan promotes a mixed-use development pattern.

Sec. 34-702. - Applicability.

- (a) The regulations of this code section allow for the continuation of existing uses, plus additional uses listed in Table 34-2 and further defined in Section 34-703.
- (b) The regulations of this code section allow for:
 - (1) Continuation of existing buildings and structures,
 - (2) Enlargement or expansion of existing structures, in compliance with all of the building placement, size, and design criteria of the CB zoning district regulations, and
 - (3) Replacement in compliance with the building placement, size, and design criteria of the CB zoning district regulations,

~~(a) *Continued use.* The regulations in this code section allow the continued use of existing buildings and structures for allowable uses as defined in [§ 34-703](#) below, on all properties zoned CB.~~

~~(b) *Enlarging or replacing buildings for existing commercial uses.* The regulations in this code section also allow the following activities:~~

~~(1) Physical enlargement of buildings or structures containing existing commercial uses, provided that the improvements do not constitute a "substantial improvement" as that term is defined in [§ 6-424](#) of this code, and~~

~~(2) Replacement buildings for existing commercial uses that will not increase the existing floor area ratio, as that term is defined in [§ 34-633](#) of this chapter.~~

~~(c) *Enlarging or replacing buildings for all other allowable uses.* The regulations in this code section also allow the physical enlargement of and replacement of buildings for all allowable uses, other than existing commercial uses (which are governed by subsection (b) of this section) or new or expanded commercial uses (which are governed by subsection (d) of this section).~~

~~(d) *New or expanded commercial uses.* In accordance with Policies 4-B-5 and 4-C-3-iv of the Fort Myers Beach Comprehensive Plan:~~

~~(1) New or expanded commercial uses in the "boulevard" category of the Fort Myers Beach Comprehensive Plan require rezoning as a commercial planned development (see [§ 34-951](#) of this chapter).~~

~~(2) Physical enlargements of existing commercial buildings, with an allowed use, as defined in Table 34-2, that constitute a "substantial improvement" as that term is defined in [§ 6-424](#) of this LDC also require rezoning as a commercial planned development.~~

~~(3) For purposes of this section only, the following types of re-use of existing floor area shall be deemed a continuation of an existing commercial use rather than a new or expanded commercial use.~~

~~a. Conversion of an existing space to office, retail, or restaurant use, when that use previously existed on that parcel;~~

~~b. An existing bar or cocktail lounge converted to another bar or cocktail lounge or to a restaurant, retail, or office use;~~

~~c. Existing areas of outdoor dining may be converted to another outdoor dining area;~~

~~d. Existing areas of outdoor display of merchandise may be converted to another outdoor display of merchandise area;~~

~~e. Conversion of existing space previously used as a financial institution with drive-through to small retail, with outdoor display. Outdoor display shall be located in the area previously utilized as a drive-through and shall not exceed 1,500 square feet under roof. Parking spaces may not be used for outdoor display.~~

~~(Ord. No. [21-07](#), § 2, 11-15-2021)~~

Sec. 34-703. - Allowable uUses.

(a) In the CB district, allowable uses are defined as any of the following:

(1) Those uses defined in Table 34-2 for the CB district, with additional regulations as defined in Sec. 34-703(b);

(2) Continuation of the commercial uses that were previously allowed on the site, prior to the permit request. Evidence of the previous use may include websites, pictures, pamphlets, permits, tax receipts or similar documentation; and were lawfully existing on March 3, 2003; and

~~(3) Those additional commercial uses of existing floor space as provided by [§ 34-702\(d\)\(3\)](#) of this chapter.~~

(b) Any landowner wishing to place other new or expanded commercial uses on property that is zoned CB must comply with the following:

(1) New outdoor entertainment is not permitted. Outdoor, for this section, includes any area that is not surrounded by permanent walls and windows;

(2) New live entertainment is not permitted;

(3) New outdoor seating areas may not be open beyond sunset. ~~rezone the property to commercial planned development.~~

(c) Any landowner wishing to subdivide land that is zoned CB into residential homesites must comply with all of the setback, lot size, intensity, and density regulations for the RC zoning district as described in Table 34-3. Compliance with these regulations shall substitute for the building placement standards that are found in [§ 34-704](#) below, and for the intensity standard found in [§ 34-705\(c\)](#) of this chapter.

Sec. 34-704. - Building placement.

(a) *Build-to lines established.* Build-to lines (see [§ 34-662](#) of this chapter) for Estero Boulevard are established at five to ten feet from front property lines. Awnings,

canopies, and marquees over sidewalks and pedestrian walkways are encouraged by the commercial design standards (§§ [34-991](#)—34-1010 of this chapter).

(b) *Setback lines established.* Setback lines (see [§ 34-662](#) of this chapter) are established as follows:

- (1) For principal buildings:
 - a. Minimum street setbacks for all streets other than Estero Boulevard are ten feet.
 - b. Minimum rear setbacks are 20 feet from rear property lines.
 - c. Minimum side setbacks are five feet from side property lines.
 - d. Minimum setbacks from waterbodies are set forth in [§ 34-638](#)(d)(3) of this chapter.
- (2) For accessory structures, minimum setbacks are set forth in §§ [34-1171](#)—34-1176.

Sec. 34-705. - Building size.

(a) *Building frontage.* Building frontage limits (see [§ 34-663](#) of this chapter) are established as follows:

- (1) For Estero Boulevard, building frontages shall be at least 50 percent of the lot frontage. This percentage may be reduced to 35 percent for properties between Estero Boulevard and the Gulf of Mexico provided that the open space thus created allows open views to the Gulf of Mexico.
- (2) For multiple adjoining lots under single control, or for a single lot with multiple buildings, the percentages above apply to the combination of lot(s) and building(s).

(b) *Building height.* Building heights (see [§ 34-631](#) of this chapter) shall be limited to:

- (1) For properties that front on the bay side of Estero Boulevard and all streets other than Estero Boulevard, a maximum of 30 feet above base flood elevation and no taller than ~~two three~~ stories, ~~except that an elevated building without enclosed space on the first story may be three stories tall (but still limited to 30 feet above base flood elevation).~~
- (2) For properties that front on the beach side of Estero Boulevard, a maximum of 40 feet above base flood elevation and no taller than three stories.

(c) *Floor area ratio (FAR).* Floor area ratios (see [§ 34-633](#) of this chapter) shall not exceed 1.0.

Sec. 34-706. - Circulation and parking.

- (a) *Parking lot locations.* Off-street parking lots shall be placed in side or rear yards (see Figure 34-5). Off-street parking lots are not permitted in front yards.
- (b) *Under-building parking.* Off-street parking may be provided under commercial or mixed-use buildings provided that all under-building parking spaces are screened in accordance with [§ 34-693](#)(l) of this chapter.
- (c) *Parking lot interconnections.* Wherever physically possible, parking lots for abutting properties fronting along Estero Boulevard shall be interconnected to eliminate or minimize driveways to Estero Boulevard.
 - (1) To ensure the effective use of these connections, the first to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcel (prior to issuance of a development order), and must design and build the parking lot to accommodate cross-access.

- (2) When adjacent owners seek development orders, they will also be required to reciprocate with a similar cross-access agreements and then must complete the physical connection.
- (3) Individual property owners shall control all rights to the use of their own parking spaces, but may choose to allow wider use of these spaces for a fee of their choosing or through reciprocal arrangements with other parties.
- (d) *Driveway connections for properties fronting on Estero Boulevard.* Existing driveways and parking spaces shall be relocated from Estero Boulevard to other streets and new driveways shall connect only to other streets, except where these requirements would prohibit all reasonable access to a property. When a driveway onto Estero Boulevard is unavoidable, the driveway shall be shared with an adjoining property if that property also has access only to Estero Boulevard. Otherwise, the driveway shall be spaced as far as practical from other driveways or intersections.

(Ord. No. [21-07](#), § 2, 11-15-2021)

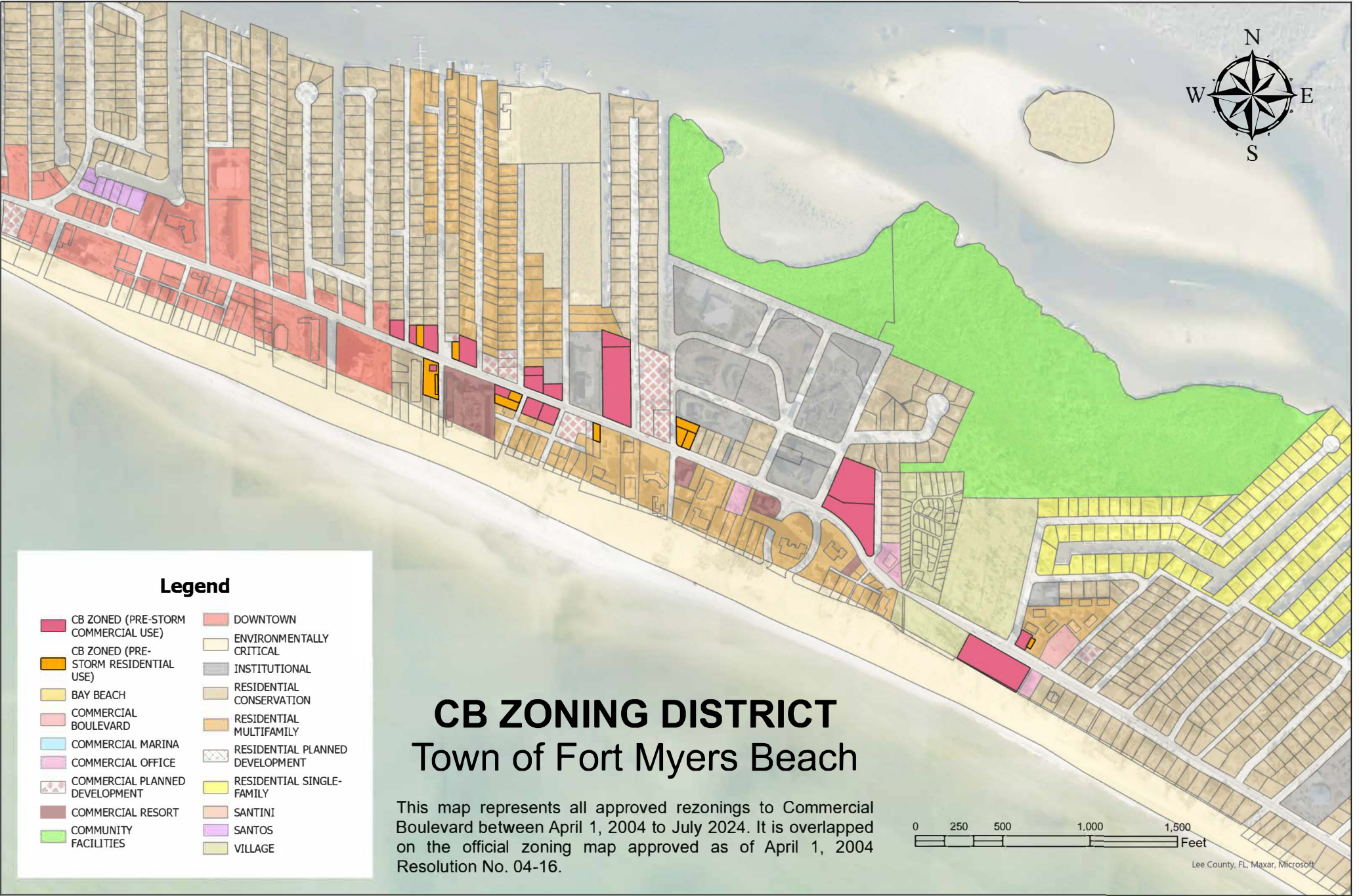
Sec. 34-707. - Commercial design standards.

The commercial design standards (§§ [34-991](#)—34-1010 of this chapter) shall apply to all commercial and mixed-use buildings, or portions thereof, that are being newly built, and to "substantial improvements" to such buildings as defined in [§ 6-424](#) of this LDC.

(Ord. No. [21-07](#), § 2, 11-15-2021)

Secs. 34-708—34-930. - Reserved.

Table 34-2 — Use Sub-Groups Permitted In Each Zoning District ¹						
	Residential	Lodging	Office	Retail	Marine	Civic
	Use Groups and Sub-Groups (Restricted, Limited, Open)					
RS Residential Single-family	(R)	(R)	(R)	—	(R)	(R)
RC Residential Conservation	(L)	(L)	(R)	—	(R)	(R)
RM Residential Multifamily	(O)	(L)	(L)	(R)	(R)	(L)
CR Commercial Resort	(O)	(O)	(O)	(L)	(L)	(L)
CM Commercial Marina	—	—	(L)	(L)	(O)	(L)
CO Commercial Office	(O)	(L)	(O)	(L)	(L)	(O)
SANTOS	(L)	(L)	(O)	(L)	(L)	(L)
IN Institutional	(L)	(L)	(L)	(R)	(L)	(O)
CF Community Facilities	(R)	(R)	(L)	(R)	(L)	(O)
BB Bay Beach	— see § 34-651(b) —					
EC Environmentally Critical	— see § 34-652(d) & (e) —					
DOWNTOWN	(O)	(O)	(O)	(O)	(L)	(O)
SANTINI	(O)	(O)	(O)	(O)	(O)	(O)
VILLAGE	(L) ²	(L) ²	(L) ²	(L) ²	—	(L)
CB Commercial Boulevard	(O)	(O)	(O)	(O)	(L)	(O)
RPD Residential Planned Dev. ⁴	(R)(L)(O)	(R)(L)	(R)(L)	(R)(L)	(R)(L)	(R)(L)
CPD Commercial Planned Dev. ⁴	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)	(R)(L)(O)
Note 1: See Table 34-1 for a specific list of Use Groups (Residential, Lodging, Office, Retail, Marine, and Civic) and Sub-Groups of each (Restricted, Limited, and Open). Note 2: See § 34-692(3) which provides a pre-approved redevelopment option for the VILLAGE district that can also permit residential, lodging, office, and retail uses in the Open Sub-Group under specified conditions. Note 3: See § 34-702–703 for exceptions and limitations on new and expanded commercial uses. Note 4: See § 34-933. The resolution approving a planned development zoning district (RPD or CPD) will specify which of the use groups or sub-groups enumerated in Table 34-1 will be permitted on that parcel. Note that some potential use sub-groups are not listed above for the RPD zoning district because they may not be approved in any RPD zoning resolution.						



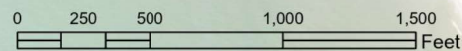
CB ZONING DISTRICT

Town of Fort Myers Beach

This map represents all approved rezonings to Commercial Boulevard between April 1, 2004 to July 2024. It is overlapped on the official zoning map approved as of April 1, 2004 Resolution No. 04-16.

Legend

 CB ZONED (PRE-STORM COMMERCIAL USE)	 COMMERCIAL PLANNED DEVELOPMENT	 RESIDENTIAL MULTIFAMILY
 CB ZONED (PRE-STORM RESIDENTIAL USE)	 COMMERCIAL RESORT	 RESIDENTIAL PLANNED DEVELOPMENT
 BAY BEACH	 COMMUNITY FACILITIES	 RESIDENTIAL SINGLE-FAMILY
 COMMERCIAL BOULEVARD	 DOWNTOWN	 SANTINI
 COMMERCIAL MARINA	 ENVIRONMENTALLY CRITICAL	 SANTOS
 COMMERCIAL OFFICE	 INSTITUTIONAL	 VILLAGE
	 RESIDENTIAL CONSERVATION	



Lee County, FL; Maxar, Microsoft

Meeting Date: August 7, 2024

1. **Request:**

Discuss main topics for Land Development Code rewrite

Why the action is necessary:

This is an opportunity to discuss big topics to be addressed by the LDC update.

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Other

5. **Background:**

Attachments:

1. M&P Memo

Financial Impact:

unknown

6. **Alternative Action**

7. **Staff Recommendations:**

Provide feedback on whether these are big topics and provide additional topics. Also, suggest when the public workshop would garner high attendance.

8. **Recommended Approval:**

Frankie Kropacek, Operations & Compliance Director

Date: July 31, 2024

nancy stuparich, Town Attorney

Date: August 02, 2024

Amy Baker, Town Clerk

Date: August 02, 2024

Andy Hyatt, Town Manager

Date: August 02, 2024



**Town of Fort Myers Beach
COMMUNITY DEVELOPMENT DEPARTMENT**

To: Town Council, M&P
From: Sarah Propst, Community Development
Date: August 7, 2024
Re: Land Development Code (LDC) Rewrite

BACKGROUND

This memo is a quick overview of the items that we envision being part of the LDC update. Some of the issues have come up over the last few years, others are problems that staff has dealt with and still others are necessary to address changes to the Comprehensive Plan.

- 1) Parking and Parking Lot Regulations.** Ideas include reductions for more than one bicycle rack, construction of pedestrian or cyclist amenities, providing golf cart parking, or proximity to bus stops. Codes could also include a shared parking matrix, reduction in space sizes, or creative solutions that might reduce traffic and the need for parking spaces.
- 2) List of Public Benefits:** This list could be part of the development agreement, commercial planned development (CPD), and residential planned development (RPD) code sections to help clarify the types of benefits that are important to the Town. While the Town Council has brought up several items, agreement on the items has not been unanimous and there was not a clear way to codify this information.
- 3) Height Bonus Options:** This would likely be a short list of ways that developers can be allowed additional stories. The list might include providing market rate housing not for short-term rental, qualifying for a sustainable development rating such as LEED or Florida Green Building Certification or potentially additional setbacks or step-backs to ensure tall buildings do not block light and air from adjacent properties.

FORT MYERS BEACH ESTERO ISLAND

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- 4) **Public Art:** This could provide more clarity regarding what the Town accepts or wants as public art. The code is currently silent on this issue but could encourage the incorporation of art throughout the community.
- 5) **Drive Thru:** One code section allows drive-thrus another says they are not allowed.
- 6) **Accessory Structure Setbacks and Dimensions:** The code is not clear on what is considered an accessory structure or an accessory unit and provides very little regulation regarding these structures. Clarity of types of structures and setbacks and allowed height/size would be helpful for staff. Also, consider changes to accessory and auxiliary and live/work and work/live units. This was discussed with the LPA
- 7) **Architectural Features with Additional Height:** The code previously allowed certain architectural features to exceed the allowed height. Those code sections were removed but there may be an opportunity to allow these types of structures with more specific regulations to prevent the previous issues.
- 8) **Changes to Match up with the Comprehensive Plan Update:** A variety of changes were made in the Comprehensive Plan that will require changes to the LDC. These include more detail regarding the Mixed-Use Regulations for the Mixed-Use Future Land Use Districts. Clarification of how the FAR should be calculated. Changes or clarification of the hotel/motel equivalency factor. State agency required landscaping and irrigation language, including low volume irrigation, irrigation limitations, and Florida Friendly landscaping.
- 9) **Clearer Uses in the Use Table:** Although the zoning table is simple, it is often misunderstood. This may be an opportunity to make the table easier to understand and include additional uses and definitions that are not called out.
- 10) **Inclusion of More Graphics and Diagrams:** Including more diagrams and graphics may help users visualize the intent of the code.
- 11) **Redevelopment Districts:** The Downtown, Commercial Boulevard, Santini and Village zoning districts are all considered Redevelopment Districts and have very specific regulations that may not be applicable. This would be a good time to evaluate whether these



zoning districts should have such specific regulations regarding their development.

12) Conditional Uses: The code currently includes Special Exception Uses, which are uses that are allowed if a special exception is granted. Many uncontroversial uses may make more sense as conditional uses with the addition of some design or development regulations, rather than public hearing requirements. At the workshop, the public can help determine which uses may be appropriate for this less intensive process.

13) Landscaping Buffers: The buffers were adopted from the County and are very wide and not reasonable for development in a compact Town.

REQUEST

We ask that Town Council provide feedback on these topics and also provide any additional large topics that should be part of the discussion. Please note that SB 250 prevents the inclusion of more restrictive regulations in this LDC update. Staff also requests that the Town Council provide suggestions regarding potential dates for the Public Workshop. While interested citizens will have the option for online involvement, we would like to ensure that many residents are able to attend the public workshop in person.

1. **Request:**

Meeting Date: August 7, 2024

Per Town Council's request, a discussion regarding the Consent Agenda and public comment expectations

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

AGENDA MANAGEMENT

Subject	Dept		Mtg Date
2nd Reading Ordinance 24-17; Advisory Committees	Atty	added 6.25.24	8.19.24 @ Bay Oaks
2nd Reading Ordinance 24-10; Comprehensive Plan Updates	P&Z	added 3.22.24	8.19.24 @ Bay Oaks
1st Reading Ordinance 24-xx; CB Zoning District Language Change	P&Z	added 6.11.24	8.19.24 @ Bay Oaks
FEMA Update	Town Manager	added 7.29.24	8.19.24 @ Bay Oaks
Strategic Planning Proposal	Admin.	added 7.17.24	8.19.24 @ Bay Oaks
1st reading Ordinance 24-xx; Silt Fencing	Legal	added 6.17.24	9.9.24 9AM
1st reading Ordinance 24-xx; Signage	Legal	added 6.17.24	9.9.24 9AM
Budget Hearings	Finance	added 6.3.24	9.9.24 5:01 PM
Update: Tier 1 Project	Utilities	added 6.17.24	9.23.24 9AM
Final Budget Hearings	Finance	added 6.3.24	9.23.24 5:01 PM
Proclamation: Florida City Gov't Week	Admin	added 5.1.24	10.7.2024
Joint Sessions between Council & advisory committees	Admin	added 11.2.23	as requested
Bicycle Ordinance updates	Legal	added 5.8.24	TBD
Charter Review discussion	Clerk	added 5.8.24	Fall 2024
Light Pole Decorating along Estero Blvd. (DA)	TC	added 4.1.24	TBD M&P
Veteran's Tribute at Bayside Park (JA)	Council	added 6.8.22	in process
1st Reading Ordinance 24-xx: Lighting	Atty	added 4.6.24	To LPA first
1st Reading Ordinance 24-xx; CB Zoning District Language Change	P&Z	added 6.11.24	To LPA first
1st Reading Ordinance 24-xx; DCI20240015, 1836 & 1840 Estero (EIBC)	P&Z	added 6.11.24	To LPA first
1st Reading Ordinance 24-xx; DCI20240143, 1668 I Street (Beach Bar)	P&Z	added 6.11.24	To LPA first