



Fort Myers Beach Management & Planning Session

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Thursday, November 6, 2025

Agenda

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

- A. Joint Session with Public Safety Committee (PSC)
Discussion on current projects, prospective topics for consideration, and guidance on future priorities.
- B. Joint Session with Anchorage Advisory Committee (AAC)
Discussion on current projects, prospective topics for consideration, and guidance on future priorities.
- C. Reasonable Accommodations for Certified Recovery Residences
DISCUSSION OF PROPOSED ORDINANCE NO. 25-27 PRIOR TO LPA REVIEW

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA: 1) ESTABLISHING PROCEDURES FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS NEEDED TO OPERATE CERTIFIED RECOVERY RESIDENCES FROM EXISTING LAND USE REGULATIONS IN NEW SECTION 34-204 IN DIVISION 4 “APPLICATIONS AND PROCEDURES” OF ARTICLE II “ZONING DISTRICTS STANDARDS AND NONCONFORMITIES” OF CHAPTER 34, AS MANDATED BY SECTION 397.487(15)(A), FLORIDA STATUTES; AND 2) AMENDING SECTION 34-232 “REQUIRED HEARINGS” OF DIVISION 5 “PUBLIC HEARINGS AND REVIEW” OF ARTICLE II “ZONING PROCEDURES” OF CHAPTER 34 “ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES” TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY (“LPA”) FOR APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS TO OPERATE A CERTIFIED RECOVERY RESIDENCE AS PROVIDED IN SECTION 34-204, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS

UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

IV. AGENDA MANAGEMENT

A. November 2025

V. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON [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: November 6, 2025

Discussion on current projects, prospective topics for consideration, and guidance on future priorities.

Why the action is necessary:

This discussion allows the Town Council to provide guidance and direction to the Public Safety Committee for FY 2025–26, ensuring that committee priorities align with Council goals and Town needs.

What the action accomplishes:

The Public Safety Committee (PSC) will meet with Town Council to discuss priorities and receive direction for FY 2025–26.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

nancy stuparich, Town Attorney

Date: October 28, 2025

Amy Baker, Town Clerk

Date: October 29, 2025



William McKannay, Town Manager

Date: October 29, 2025

1. **Request:**

Meeting Date: November 6, 2025

Discussion on current projects, prospective topics for consideration, and guidance on future priorities.

Why the action is necessary:

This discussion allows the Town Council to provide guidance and direction to the Anchorage Advisory Committee for FY 2025–26, ensuring that committee priorities align with Council goals and Town needs.

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:**

nancy stuparich, Town Attorney

Date: October 27, 2025

Amy Baker, Town Clerk

Date: October 28, 2025



William McKannay, Town Manager

Date: October 28, 2025

1. **Request:**

Meeting Date: November 6, 2025

DISCUSSION OF PROPOSED ORDINANCE NO. 25-27 PRIOR TO LPA REVIEW

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA: 1) ESTABLISHING PROCEDURES FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS NEEDED TO OPERATE CERTIFIED RECOVERY RESIDENCES FROM EXISTING LAND USE REGULATIONS IN NEW SECTION 34-204 IN DIVISION 4 "APPLICATIONS AND PROCEDURES" OF ARTICLE II "ZONING DISTRICTS STANDARDS AND NONCONFORMITIES" OF CHAPTER 34, AS MANDATED BY SECTION 397.487(15)(A), FLORIDA STATUTES; AND 2) AMENDING SECTION 34-232 "REQUIRED HEARINGS" OF DIVISION 5 "PUBLIC HEARINGS AND REVIEW" OF ARTICLE II "ZONING PROCEDURES" OF CHAPTER 34 "ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES" TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY ("LPA") FOR APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS TO OPERATE A CERTIFIED RECOVERY RESIDENCE AS PROVIDED IN SECTION 34-204, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

Why the action is necessary:

State Law requires local jurisdictions to adopt an Ordinance that establishes a streamlined process for review of requests for needed and reasonable accommodations for Certified Recovery Residences.

What the action accomplishes:

Amends the Town's LDC to comply with state law

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Ordinance

5. **Background:**

In 2025 the Florida Legislature created a new law mandating that each municipality and county in Florida must adopt an Ordinance establishing streamlined procedures for review and approval of needed and reasonable accommodations for certified recovery residences. The decisions shall be consistent with and in compliance with the Fair Housing Accommodations Act of 1988, and Title II of the Americans with Disabilities Act.

The intent of the Ordinance is to create a process by which the LPA can review the application for needed and reasonable accommodations for certified recovery residences and potentially provide final agency action if approved and the Town does not receive a request for an additional public hearing within an established time period. This approach is similar to recent changes in the LDC text to allow variances and like for like Special Exceptions within the EC zoning district to proceed.

Attachments:

1. Oct. 31 FMB Draft Certified Recovery Residence Ordinance (1)

Financial Impact:

None

6. Alternative Action

7. Staff Recommendations:

8. Recommended Approval:

nancy stuparich, Town Attorney

Date: October 31, 2025

Joe Onzick, Finance Director

Date: October 31, 2025

Amy Baker, Town Clerk

Date: October 31, 2025



William McKannay, Town Manager

Date: October 31, 2025

ORDINANCE NO. 25-27

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA: 1) ESTABLISHING PROCEDURES FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS NEEDED TO OPERATE CERTIFIED RECOVERY RESIDENCES FROM EXISTING LAND USE REGULATIONS IN NEW SECTION 34-204 IN DIVISION 4 “APPLICATIONS AND PROCEDURES” OF ARTICLE II “ZONING DISTRICTS STANDARDS AND NONCONFORMITIES” OF CHAPTER 34, AS MANDATED BY SECTION 397.487(15)(A), FLORIDA STATUTES; AND 2) AMENDING SECTION 34-232 “REQUIRED HEARINGS” OF DIVISION 5 “PUBLIC HEARINGS AND REVIEW” OF ARTICLE II “ZONING PROCEDURES” OF CHAPTER 34 “ZONING DISTRICTS, DESIGN STANDARDS AND NONCONFORMITIES” TO REQUIRE ONLY ONE PUBLIC HEARING BEFORE THE LOCAL PLANNING AGENCY (“LPA”) FOR APPROVAL OF APPLICATIONS FOR REASONABLE ACCOMMODATIONS TO OPERATE A CERTIFIED RECOVERY RESIDENCE AS PROVIDED IN SECTION 34-204, IF THE DECISION BY ELIGIBLE MEMBERS OF THE LPA IS UNANIMOUS AND THE TOWN CLERK DOES NOT RECEIVE A REQUEST FOR AN ADDITIONAL PUBLIC HEARING BEFORE THE TOWN COUNCIL FROM ANYONE, INCLUDING TOWN STAFF, WITHIN 10 DAYS AFTER THE LPA DECISION; PROVIDING FOR CODIFICATION, SEVERABILITY, SCRIVENER ERRORS, CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution and 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, in 2025, the Florida Legislature created new law in Section 397.487(15)(a), Florida Statutes, which mandates that by no later than January 1, 2026, each municipality and county in the State of Florida must adopt an ordinance establishing streamlined procedures for the review and approval of certified recovery residences and a process for requesting reasonable accommodations from any local land use regulation that impacts certified recovery residences; and

WHEREAS, the Section 397.487(15)(a) provides that the local government’s regulations for approval of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, a public hearing was held before the Local Planning Agency (LPA) on November 12, 2025 to consider adoption of Ordinance 25-27; and

WHEREAS, at the November 12, 2025 public hearing the LPA gave full and complete consideration of the recommendations by staff, the documents in the record, and the testimony of all interested persons, and found that Ordinance is consistent with the Town's Comprehensive Plan and the requirements of the Fort Myers Beach Land Development Code ("LDC") and thereafter voted ___ to ___ to recommend approval of Ordinance 25-27 to the Town Council; and

WHEREAS, on November 17, 2025 the Town Council held a first reading of the proposed Ordinance and gave full and complete consideration to the recommendation of the LPA, the recommendation of staff, the documents in the record, and the testimony of all interested persons; and

WHEREAS, the Town Council voted to have a second reading of the proposed Ordinance and a public hearing on this matter was noticed in the Fort Myers News-Press more than 10 days prior to the Town Council public hearing on the 1st day of December 2025; and

WHEREAS, at the December 1, 2025 public hearing, the Town Council gave full and complete consideration to 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 has been prepared and timely published on the Town's website; and

WHEREAS, this Ordinance is adopted for the purpose of compliance with Section 397.487(15)(a), Florida Statutes and is in the best interest of the residents of the Town of Fort Myers Beach.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. Incorporation by Reference and Intent. That the above recitals are true and correct and are incorporated herein by this reference as legislative findings in support of adoption of Ordinance 25-27. It is the intent of the Town Council to fully comply with the mandates contained in Section 397.487(15)(a), Florida Statutes and all applicable local, state, and federal law, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

Section 2. That Section 34-204 of the Land Development Code is created to read as follows:

Sec. 34-204. Procedures for Review and Approval of an Application to for Needed Reasonable Accommodations as Mandated by Section 397.487(15)(a), Florida Statutes for Certified Recovery Residences.

(a) Definitions. The following terms shall be defined as follows:

1. Certified recovery residence means a residential dwelling that provides a peer-supported, alcohol-free, and drug-free living environment, which is certified by a credentialing entity approved by the Florida Department of Children and Families, pursuant to Section 397.487, Florida Statutes.
2. Reasonable accommodation means a modification or exception to a local land use, zoning, or building regulation or policy, as necessary to afford individuals with disabilities an equal opportunity to use and enjoy a residential dwelling.
3. Disability shall have the same meaning as defined under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

(b) Application for Review and Approval of a Reasonable Accommodation to Operate a Certified Recovery Residence.

(c) Written Application Required. An applicant seeking to operate a certified recovery residence with requires a reasonable accommodation shall complete a written application created by and available from the Town. The application must be submitted to the Community Development Department and will include, at a minimum to following information:

1. Applicant Information: The name, mailing address, phone number, and email address of the Applicant or the Applicant's authorized representative.
2. Location of the Certified Recovery Residence: The address and parcel identification number of the property where the certified recovery residence will be located.
3. Reasonable Accommodation: A description of the specific reasonable accommodation needed to operate the certified recovery residence, including the applicable regulation or policy from which relief is sought, and an explanation of how the accommodation is necessary and will afford equal housing opportunity.

(d) Date-Stamping and Acknowledgement. Upon receipt of the application, the Town shall date-stamp the application and provide written acknowledgment of receipt to the Applicant.

(e) Request for Additional Information. If additional information is required from an Applicant, the Town shall notify the Applicant in writing within thirty (30) days of receipt of the application. The Applicant shall respond to such request within thirty (30) days from the date of receipt of such notification.

(f) Final Determination. The application shall be scheduled for review by the Local Planning Agency (“LPA”) within sixty (60) days after receipt of a complete application. The LPA shall:

1. Approve the reasonable accommodation request in whole, with or without conditions;
2. Approve the reasonable accommodation in part, with or without conditions;
3. Deny the reasonable accommodation request, stating with specificity the objective, evidence-based reason for the denial and identifying any deficiencies or actions necessary for reconsideration.

The LPA’s decision shall include a specific finding of consistency with the Town’s Comprehensive Plan, the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The LPA’s decision shall constitute final agency action unless otherwise provided in Section 34-232.

(g) Automatic approval. If a final written determination is not issued by the Town within sixty (60) days after receipt of a completed application, the request shall be deemed approved by operation of law, unless the parties mutually agree in writing to a reasonable extension of time.

(h) Revocation of accommodation. The LPA may revoke a previously granted reasonable accommodation for cause, including but not limited to violation of conditions of approval; lapse, revocation, or failure to maintain required certification or licensure under Florida law, if such status is not reinstated within one hundred eighty (180) days from lapse; and material misrepresentation of facts in the application process. Applicants subjected to revocation shall be provided written notice of such revocation and shall have thirty (30) days upon receipt of written notice to respond contesting the validity of an accommodation revocation.

Section 3. That Section 34-232 “Required Hearings” of Division 5 “Public Hearings and Review” of Article II “Zoning Procedures” of Chapter 34 “Zoning Districts, Design Standards and Nonconformities is hereby amended as follows:

Section 34-232 – Required hearings.

(a) Amendment or adoption of land use ordinances.

(1) Any proposed amendment to this chapter or to any land use ordinance, or adoption of any new land use ordinance, shall be enacted pursuant to the requirements set forth in F.S. § 166.041.

(2) Prior to a final required hearing by the town council, the local planning agency shall review the amendment at a public hearing.

(b) Owner-initiated requests. Owner-initiated requests for rezonings, certain special exceptions, and developments of regional impact require one public hearing before the local planning agency and one public hearing before the town council. Owner-initiated requests for variances, **and** special exceptions to replace a lawful and permitted structure(s) in the Environmentally Critical (EC) zoning district that was in effect prior to a natural disaster **and requests for reasonable**

accommodations that are requested to operate a certified recovery residence, which is unanimously approved by the local planning agency and there is no request for an additional public hearing before the town council made by anyone that is received by the town clerk within 10 calendar days after the date of the local planning agency decision, excluding holidays, only requires one public hearing before the local planning agency, and the local planning agency decision is final agency action.

(c) *Town-initiated requests.* Town-initiated requests for rezonings, variances, special exceptions, and developments of regional impact require one public hearing before the local planning agency and:

(1) Applications covering less than ten abutting acres of land will require a single public hearing before the town council.

(2) Applications covering more than ten abutting acres of land will require two public hearings before the town council in accordance with F.S. § 166.041.

Section 4. Direct Town staff to create an application to implement this Ordinance as provided herein and also to amend the fee schedule to include a fee for review of these applications. If an application is received as provided herein prior to amendment of the fee schedule, the applicant shall be charged the same fee as for a variance.

Section 5. If any section, subsection, sentence, clause, word, 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall take effect immediately upon its adoption.

THE FOREGOING ORDINANCE was adopted by the Town Council upon a motion by _____ and seconded by _____, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	_____
Jim Atterholt, Vice Mayor	_____
John R. King, Council Member	_____
Scott Safford, Council Member	_____
Karen Woodson, Council Member	_____

DULY PASSED AND ADOPTED on this 1st day of December 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

ATTEST:

TOWN OF FORT MYERS BEACH

Amy Baker, Town Clerk

Dan Allers, Mayor

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

Vose Law Firm, LLP, Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this _____ day of _____ 2025.

AGENDA MANAGEMENT

Subject	Dept		Mtg Date
Presentation: Strategic Planning , Phase 1	Administration	added 7.23.25	11.17.25
Certification of Election Results	Clerk	added 10.2.25	11.17.25
Swearing in of (possibly) new Council members	Clerk	added 10.2.25	11.17.25
Presentation of Mulholland Award	Clerk	added 10.20.25	11.17.25
Approval of Any Remaining Professional Service Agreements RFQ-24-06-AD	Clerk	added 9.19.25	11.17.25
Re-Organization of Council (Mayor/Vice Mayor)	Clerk	added 10.2.25	11.17.25
1st reading: Ordinance for Certified Recovery Residences	Comm. Dev	added 8.5.25	11.17.25
Resolution re: Surplus Property & Live Local Act (Affordable Housing)	Comm. Dev	added 8.11.25	11.17.25
Resolution: Tax Roll Liens	Finance	added 7.18.25	11.17.25
Rehearing of SE220250149 (The Shores)	P&Z	added 10.6.25	11.17.25
2nd Reading: Comp Plan Amendment	P&Z	added 10.22.25	11.17.25
2nd reading: Ordinance for Certified Recovery Residences	Comm. Dev	added 8.5.25	11.3.25
Mini Joint Session w/BORCAB	Clerk	added 10.2.25	12.3.25 M&P
Mini Joint Session w/CELCAB	Clerk	added 10.2.25	12.3.25 M&P
Leadership Forum (Strategic Planning) - 12:30 - 4:30 pm	Council	added 7.23.25	12.3.25 after M&P (Tentative)
Joint Session w/LPA	Clerk	added 10.2.25	1.7.26 M&P
Leadership Forum (Strategic Planning) - 12:30 - 4:30 pm	Council	added 7.23.25	1.7.26 after M&P (Tentative)
Discussion regarding Ordinance 17-15, Medical Marijuana Dispensaries	Council	added 12.11.24	TBD
Discussion: Public/Private partnerships	Council	added 12.11.24	TBD
Presentation: permitting, flood mitigation systems, FAQs, common mistakes, etc. (JA)	Council	added 8.7.25	TBD
1 year Review of Ordinance 25-03 (Bicycle Safety)	Council	added 6.16.25	May/June '26 TC meeting
1st reading: Ordinance for Possible Ballot Referenda	Clerk	added 7.16.25	1st May '26 TC meeting
2nd reading: Ordinance for Possible Ballot Referenda	Clerk	added 7.16.25	2nd May '26 TC meeting
1st Reading Ordinance 24-xx: Lighting	Environmental	added 4.6.24	To LPA first
1st reading Ordinance 24-xx; Signage	Legal	added 6.17.24	To LPA first
1st reading Ordinance 24-xx; Silt Fencing	Planning	added 6.17.24	To LPA first